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ON
SENATE OPERATIONS
1988

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CONTENTS

Page

Consultant's Commentary, "Senate Computer Resources" 1
Memorandum, "Senate Committee Jurisdiction" 4
CRS Report, "The State of the Senate: Conditions, Proposals, and Prospects for Change" 48
CRS Report, "Recommendations for Senate Reform: A Comparison of Selected Proposals" 61
CRS Issue Brief, "Congressional Reform—Senate (96th Congress)" 149
CRS Issue Brief, "Senate Changes in the 97th Congress" 159
CRS Issue Brief, "Senate Procedure and Organization: Proposals for Change in the 98th Congress" 174
CRS Issue Brief, "Senate Procedure, Rules, and Organization: Proposals for Change in the 99th Congress" 186
CRS Issue Brief, "Congressional Budget Process Reform" 206
CRS Memorandum, "Potential Complications and Problems for the House and Bicameral Relations of Some Possible Changes in Senate Rules or Practices Affecting the Authorization-Appropriation Process" 223
CRS Report, "Congressional Approaches to Biennial Budgeting" 237
CRS Report, "Congressional Approaches to Regulating Continuing Resolutions: Measures Introduced in the 100th Congress" 260
CRS Report, "Indicators of Senate Activity and Workload" 275
Center for Responsive Politics Report, "Congress Speaks—A Survey of the 100th Congress" 349
Chart, "Membership on Senate Committees" 392
Responses to Rules Committee Questionnaire by Senate Committee Chairmen and Ranking Minority Members 395
    Hon. Patrick J. Leahy (Agriculture, Nutrition, and Forestry) 396
    Hon. Richard G. Lugar (Agriculture, Nutrition, and Forestry) 399
    Hon. John C. Stennis (Appropriations) 402
    Hon. Mark O. Hatfield (Appropriations) 402
    Hon. Sam Nunn (Armed Services) 405
    Hon. William Proxmire (Banking, Housing, and Urban Affairs) 424
    Hon. Lawton Chiles (Budget) 427
    Hon. Pete V. Domenici (Budget) 445
    Hon. Ernest F. Hollings (Commerce, Science, and Transportation) 450
    Hon. J. Bennett Johnston (Energy and Natural Resources) 452
    Hon. Robert T. Stafford (Environment and Public Works) 477
    Hon. Lloyd Bentsen (Finance) 478
    Hon. Bob Packwood (Finance) 479
    Hon. Claiborne Pell (Foreign Relations) 482
    Hon. John Glenn (Governmental Affairs) 486
    Hon. William V. Roth, Jr. (Governmental Affairs) 489
    Hon. Strom Thurmond (Judiciary) 492
    Hon. Orrin G. Hatch (Labor and Human Resources) 495
    Hon. Alan Cranston (Veterans' Affairs) 498
    Hon. Frank H. Murkowski (Veterans' Affairs) 501
    Hon. Howell Heflin (Ethics) 504
    Hon. Daniel J. Evans (Indian Affairs) 507
    Hon. David L. Boren (Intelligence) 510
    Hon. John Melcher (Aging) 513

DECEMBER 2, 1987

Page
Selected Testimony by Senators and Spouses on Proposals to Amend the Standing Rules of the Senate 516
Hon. Wendell H. Ford, chairman, Committee on Rules and Administration 517
Hon. Ted Stevens, ranking member, Committee on Rules and Administration 521
Hon. Robert C. Byrd, the majority leader 526
Hon. John C. Danforth, a U.S. Senator from the State of Missouri 542
Hon. David Pryor, a U.S. Senator from the State of Arkansas 550
Hon. Harry Reid, a U.S. Senator from the State of Nevada 572
Hon. Frank H. Murkowski, a U.S. Senator from the State of Alaska 579
Mrs. Marilyn Tucker Quayle 586
Hon. Brock Adams, a U.S. Senator from the State of Washington 590
Hon. Mark O. Hatfield, a U.S. Senator from the State of Oregon 592

MAY 17, 1988

Hon. Wendell H. Ford, chairman, Committee on Rules and Administration 596
Hon. Ted Stevens, ranking member, Committee on Rules and Administration 598
Hon. Nancy Landon Kassebaum, a U.S. Senator from the State of Kansas 602
Hon. Lloyd Bentsen, a U.S. Senator from the State of Texas 606
Hon. Daniel J. Evans, a U.S. Senator from the State of Washington 611
Hon. Lawton Chiles, a U.S. Senator from the State of Florida 624
Hon. Pete V. Domenici, a U.S. Senator from the State of New Mexico 632
Hon. Daniel K. Inouye, a U.S. Senator from the State of Hawaii 640
Hon. Dan Quayle, a U.S. Senator from the State of Indiana 644
Select Bibliography on Senate Operations 649

Consultant's Commentary

SENATE COMPUTER RESOURCES

Users of the Senate's computer resources increasingly express serious dissatisfaction with computer services and policy. Most users of the systems believe that current arrangements simply do not permit effective and efficient service to constituents, a fact confirmed by many knowledgeable people who have studied the situation. Nor does the management process for systems planning and operation foster responsibility and accountability for those who are directly served. Equipment and software are operated by members and by committees, and are paid for from funds appropriated to the Sergeant-at-Arms, as are the central support computer and software operated directly by the Sergeant-at-Arms. The absence in the past of long-range systems strategy plans, directed at cohesive user requirements, has resulted in multiple, incompatible programs which have become technologically obsolete. The resultant systems environment is one which is not fully integrated, is inefficient and costly to operate and maintain, and lacks the capability to communicate between discrete programs.

The solutions to these problems are complex. They will require significant attention to planning by user and systems organizations, substantial investment in advanced hardware, software, and communications capabilities, and the support by this Committee in establishing policy to bring the Senate systems to the forefront of the latest technologies and processing capabilities. There is strong interest in and demand for change and improvement, as witnessed by recent actions of the freshman class of Senators and their support by a number of other members. While commitment and investment will be substantial over an extended period of conversion, it is felt there will be pay-back over time as compared to continuing the inefficient ad-hoc approach of today.

In response, the Committee intends to give careful consideration to the following changes in computer policy:

(a) Restructure the planning process for Senate systems in order to include greater user responsibility in developing requirements statements.

(b) Recognize technological obsolescence by commissioning an advanced Data Communications Architecture Plan and instituting a six-year replacement schedule for appropriate hardware and software support. This will include a secure linkage for data transfer (and ultimately document transfer) between offices and systems.

(c) Authorize an enhanced home-office automation program, a matter of high priority among Senators.

(d) Develop a migration plan for adapting current systems to the new architecture, ensuring that Correspondence Management System (CMS) work performed at the home office can communicate and is integrated with the central system.

(e) Establish a rationale and appropriate funds for computer operations directly to Senators, as part of expense allowances, and to committees as part of funding resolutions. This will bring together decision-making and financial accountability.

(f) Define a Computer Center service responsibility plan for Senate-wide support.

(g) Provide for phase-in of these improvements, beginning with the Class of 1988 and ending with the Class of 1992.

SENATE COMMITTEE JURISDICTION

The Committee on Rules and Administration is charged with the continuing responsibility to study the organization and operation of the Congress and to recommend improvements that will better enable it to meet its obligations under the Constitution of the United States. As part of this on-going review, public hearings were conducted and questionnaires distributed to committee chairmen and ranking minority members in an effort to identify problems inherent in the current committee system of the Senate.

While this review covered a number of aspects of committee process, special attention was paid to possible areas of jurisdictional conflict between committees to determine whether Rule XXV of the Standing Rules of the Senate should be clarified, to better enable the Senate to complete its ever-increasing legislative workload.

DETERMINING COMMITTEE JURISDICTION

The basis for determining committee jurisdiction is Senate Rule XXV and the referral of past legislation pursuant to the Rule. Supplementing this is a series of formal agreements, for the most part uncodified, which have evolved over time, and which are regarded as setting precedent. Some of these agreements are incorporated by resolution in the standing orders of the Senate. Formal agreements are also established by unanimous consent agreements reached on the Senate floor. Related to these formal agreements are ad hoc referral agreements relating only to particular measures. Although usually crafted as unanimous consent agreements, these arrangements do not set precedent; therefore, subsequent referral patterns in areas they address continue to vary. Finally, committee jurisdiction is determined by several more contentious means.

Pursuant to Senate Rule XVII, bills are referred to the individual committee having jurisdiction over the "subject matter which predominates" in the bill. Rule XVII also allows for multiple referral by motion of the joint leadership, although this motion has never been used. Instead, where jurisdiction is contested, the Senate rules encourage committees to restrict the subject matter of their legislation, and then determine the referral or any multiple referral by a unanimous consent agreement.

IDENTIFYING COMMITTEE JURISDICTION OVERLAP

Table 1 lists, on a committee-by-committee basis, Rule XXV and standing order language for each committee and related Rule XXV and standing order language for other committees. Section 1 identifies general policy areas which fall within the purview of more than one committee not just by rule language, but also by interpretation of that rule (e.g., bill referral). Section 2 discusses standing orders which have been established to enable more than one committee to exercise jurisdiction over a policy area or particular bill. Section 2 also discusses ad hoc agreements, i.e., unanimous consent agreements which do not extend beyond a particular measure. Section 3 discusses areas of jurisdictional dispute which have arisen on the Senate floor.

Overlap exists not only where an issue area falls under more than one statement of jurisdiction simultaneously, but where statements of jurisdiction establish a relationship between similar policy questions. Thus, an individual measure can have a bearing on several items of jurisdiction.

SECTION 1 - RULE XXV AND PRECEDENTS

This section analyzes Rule XXV and its application to various general policy areas through the referral of legislation.

Table 1 identifies jurisdiction as overlapping when patterns of bill referral indicating the overlap have actually occurred in the past, or when other evidence, such as floor debate or letters of understanding, indicate that the potential for such questions to arise is present. That is, whenever a related jurisdiction of one committee is cited opposite that of a second committee, the same jurisdiction of the second committee is also cited opposite the related jurisdiction of the first. However, the jurisdiction of one committee may overlap with the jurisdictions of several other committees without the others' jurisdictions overlapping each other. Accordingly, the right-hand column opposite the jurisdiction of the first committee may cite some or all overlaps, while the right-hand column opposite the corresponding jurisdiction for the other committees may not include all of the same entries. In other words, for each committee the right-hand column cites only those jurisdictions that specifically overlap with the jurisdiction of that committee. To identify complete clusters of such overlaps, the list at the end of this section should be consulted.

Evidence about subject areas that overlap or relate is provided by patterns of referrals of measures dealing with clusters of related issues. These referral patterns reflect interpretations of the provisions of Rule XXV, and of standing orders, that have developed over time. The following list provides common examples of these referral patterns.

These topical groupings also reflect data compiled from the questionnaire responses by committee chairmen and ranking minority members. In many cases, these Senators cited popular bill titles and subject terms rather than Rule XXV language. The Committee has been cognizant of this in constructing these groupings, although every attempt has been made to use more formal language. The Committee has also included areas of overlap identified by members even when referral patterns in recent Congresses do not identify overlap per se. Because of the informal language used in the questionnaires, the Committee has not questioned the inclusions in this section.

Banks

Agriculture: regulation of farm credit banks;
Banking: regulation of banks.

Deepwater Ports

Commerce: marine and ocean navigation, including navigational aspects of deepwater ports;
Energy: energy related aspects of deepwater ports;
Environment: flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.

District of Columbia

Environment: public buildings and improved grounds of the U.S. generally, including Federal buildings in the District of Columbia;
Governmental Affairs: municipal affairs of the District of Columbia, except appropriations;
Labor and Human Resources: Gallaudet College, Howard University, and Saint Elizabeth's Hospital;
Rules and Administration: U.S. Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

Education

Agriculture: school nutrition;

Armed Services: education of military and civilian dependents overseas;
Energy: mining education;
Foreign Relations: international education programs;
Labor: education generally; agricultural colleges;
Rules and Administration: Capitol Page School;
Veterans' Affairs: education of veterans;
Select Indian Affairs: Indian education.

Fisheries/Aquaculture

Agriculture: food from fresh waters;
Commerce: marine fisheries;
Environment: fisheries and wildlife.

Health

Agriculture: pesticides;
Armed Services: military and dependent health care;
Banking: nursing home construction;
Commerce: toxic substances, except pesticides; warning labels;
Environment: environmental effects of toxic substances, except pesticides;
Finance: health programs under Social Security or a specific tax or trust fund; national social security;
Governmental Affairs: health care and health insurance for federal employees;
Labor and Human Resources: public health generally;
Veterans' Affairs: veterans hospitals and medical care;
Select Indian Affairs; Indian health care;
Special Aging: problems and opportunities of maintaining health.

Insular Possessions

Energy: territorial possessions of the U.S., including trusteeships;
Finance: revenue measures relating to the insular possessions;
Foreign Relations: national security and international aspects of trusteeships of the U.S.
Governmental Affairs: intergovernmental relations;
Judiciary: local courts in the territories and possessions.

Intelligence

Armed Services: national intelligence activities of the Department of Defense;
Foreign Relations: State Department Bureau of Intelligence and Research;
Judiciary: Federal Bureau of Investigation counterintelligence.
Select Intelligence: intelligence activities, generally.

International Affairs

Banking: international economics;
Commerce: international science, technology, communications, oceans;
Energy: international ocean mining;
Foreign Relations: relations of the U.S. with foreign nations generally;
Environment: international environment;
Judiciary: refugees and diplomatic relations.

National Forests, Wildlife and Wilderness

Agriculture: forestry, and forest reserves and wilderness areas other than those created from the public domain;
Energy: national parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest;
Environment: fisheries and wildlife;
Select Indian Affairs: Indian land management.

Naval Petroleum Reserves

Armed Services: naval petroleum reserves, except in Alaska;
Energy: naval petroleum reserves in Alaska.

Nuclear Energy

Armed Services: national security aspects of nuclear energy;
Energy: nonmilitary development of nuclear energy;
Environment: nonmilitary environmental regulation and control of nuclear energy;
Foreign Relations: international aspects of nuclear energy, including nuclear transfer policy;
Governmental Affairs: organization and management of U.S. nuclear export policy.

Oceans

Commerce: oceans, weather, and atmospheric activities;
Energy: international ocean mining;
Environment: ocean dumping;
Foreign Relations: oceans and international environmental and scientific affairs as they relate to foreign policy.

Outer Continental Shelf

Commerce: transportation and commerce aspects of Outer Continental Shelf lands;
Energy: extraction of minerals from Outer Continental Shelf lands;

Environment: environmental aspects of Outer Continental Shelf lands.

Toxic Substances

Agriculture: pests and pesticides;
Commerce: regulation of consumer products and services, including testing related to toxic substances other than pesticides;
Environment: environmental effects of toxic substances, other than pesticides;
Labor and Human Resources: public health.

Trade

Agriculture: P.L. 480 food programs;agricultural trade;
Banking: export and foreign trade promotion; export controls; financial aid to commerce and industry;
Commerce: interstate commerce; merchant marine;
Finance: reciprocal trade agreements; tariff and import quotas;
Foreign Relations: International Monetary Fund; World Bank;
Judiciary: protection of trade and commerce against unlawful restraints and monopolies.

Transportation

Armed Services: maintenance and operation of the Panama Canal;
Banking: urban mass transit;
Commerce: transportation; highway safety;
Environment: construction and maintenance of highways;
Finance: transportation of dutiable goods;
Judiciary: antitrust aspects of transportation systems.

SECTION 2 - FORMAL AGREEMENTS AND PRECEDENT

In addition to Rule XXV language, committee jurisdiction is defined by standing orders between committees which have established agreed upon patterns for referral of measures in specified policy areas. Normally these orders are constituted through the adoption of Senate resolutions, or as unanimous consent agreements propounded on the floor. The following are illustrative of such formal agreements regarding jurisdictional overlap.

Budget Process

Pursuant to an August 4, 1977, unanimous consent agreement, legislation on the congressional budget process is jointly referred to the Committee on the Budget and the Committee on Governmental Affairs. If one committee acts to report such a jointly referred measure, the other must act within 30 calendar days of continuous session or be automatically discharged. Finally, the unanimous consent agreement does not extend to measures on impoundment control.

The Committee notes that both the chairman and ranking minority member of the Budget Committee are cognizant of the implications of this overlap. Nevertheless, their questionnaire responses seem to indicate that no insurmountable problems have occurred because of it. There is some concern, however, about jurisdiction over the sequestration process and the appropriate jurisdictional role of this committee. Perhaps a modification to the standing order clarifying this could be agreed to.

Intelligence Policy

Pursuant to S. Res. 400 (94th Congress), establishing the Select Committee on Intelligence, and S. Res. 4 (95th Congress) any legislation reported by the Select Committee on Intelligence which falls within the jurisdiction of any standing committee of the Senate shall, by request of the standing committee chairman, be referred to that panel for 30 calendar days. Conversely, any legislation reported by a standing committee which falls within the jurisdiction of the Intelligence Committee shall, by request of the Intelligence Committee chairman, be referred to the Intelligence Committee for 30 calendar days.

The Committee notes that the potential for overlap and problems in this area is great. However, the designated membership of the Intelligence Committee and the ability to negotiate agreements in advance has been effective in avoiding major conflicts.

National Science Foundation

Jurisdiction over the National Science Foundation (NSF) is not clearly delineated in Rule XXV. Initially, the Stevenson Committee recommended assigning it to the Commerce Committee, to further consolidate science jurisdiction. However, Senator Stevenson, in testimony before the Rules Committee on S. Res. 4 (95th Congress), reversed his position and recommended keeping NSF in Labor and Human Resources. The Rules Committee concurred. Accordingly, NSF authorization bills have been referred to Labor. Simultaneously, however, the Commerce Committee has reported original bills on NSF authorizations. By a March 3, 1988, unanimous consent agreement during consideration of S. 1632, it was agreed that for this bill, and future NSF authorization bills, the Commerce Committee would receive a sequential referral of the NSF bill as amended by the Labor Committee to which the bill would be referred.

A similar situation exists with regard to the National Academy of Sciences (NAS). The primary authority for NAS is within the Labor and Human Resources Committee, although a claim can be made by the Committee on Commerce, Science and Transportation. No conflict has arisen, because of the willingness of the respective committee leaders to negotiate prior to the referral of any legislation.

Indian Housing

By a May 27, 1988, unanimous consent agreement during debate on S. 1987, it was agreed that legislation on HUD Indian housing programs be referred to the Banking Committee as well as the Indian Affairs Select Committee, both for that particular bill and in the future.

Although it is too soon to evaluate the compliance with this agreement, the Committee is confident that conflicts can be avoided in the future.

Supplementing these standing orders are unanimous consent agreements for the expeditious consideration of one measure whose jurisdiction was contested, but not extending beyond the one measure. Most of these arrangements are in the form of unanimous consent agreements. It bears repeating that these ad hoc arrangements are distinguished from the standing orders previously discussed because they do not affect future jurisdiction on the point at issue, but rather just the consideration of one measure.

The Committee is aware that the number of consent agreements obtained to govern the referral of specific legislation has declined in the last several Congresses.

Computer Institute

Pursuant to a February 1984 letter from the Chairmen of the Commerce and Governmental Affairs Committee, S. 2204 (to establish a National Computer Institute within the Office of Science and Technology Policy) would be jointly referred to the Commerce and Governmental Affairs Committees with the understanding "that this referral does not in any way affect the Senate's precedents concerning future referrals of similar or identical legislation."

Trucking Deregulation

By a March 1979 unanimous consent agreement for consideration of S.710 (to amend Interstate Commerce Act and Clayton Act regarding regulation of interstate trucking), it was agreed that the Commerce Committee has jurisdiction over substantive legislation regarding motor carrier regulation while the Committee on the Judiciary has jurisdiction over the Clayton Act and antitrust issues generally. The agreement further stipulated that if and when the Commerce Committee reported the bill it would be referred to the Judiciary Committee for not to exceed 30 days and the Judiciary Committee would report the measure without amendment.

Fisheries and Wildlife

By a December 1982 colloquy during debate on the Magnuson Fishery Conservation and Management Act amendments, the chairmen of the Committees on Commerce and Environment agreed that the Committee on Environment and Public Works has jurisdiction over the preponderance of the Fish and Wildlife Act of 1956, while the Anadromous Fish Act would be jointly referred.

The Parliamentarian views these as informative and not binding.

SECTION 3 - CONTESTED AREAS

Occasionally, the Senate contends with general policy areas which fall within the purview of more than one committee, but on which the concerned committees do not agree on appropriate referrals or jurisdictional interpretations. In those instances the Senate must determine both how to handle the specific legislation as well as how to handle the issue in the future. The question of jurisdiction is usually manifested by opposing statements on the Senate floor, by objections to a unanimous consent request for a specified referral, or by offering a motion to refer a measure to another committee.

Antitrust Legislation

In connection with the June 1981 consideration of S. 271 (to repeal sec. 222 of the Communications Act of 1934), the Judiciary Committee chairman moved to refer the legislation to the Judiciary Committee (it had been reported by the Commerce Committee) for 7 days to consider the antitrust provisions in the legislation. The Chairman cited a similar bill, S. 682, which had been referred initially to Judiciary but later was referred jointly to Judiciary and Commerce. By a vote of 28-59, the Senate declined to refer the bill to the Judiciary Committee.

Cigarette Labeling

In connection with the September 12, 1984, consideration of H.R. 3979, (to amend the Federal Cigarette Labeling Advertising Act) a discussion ensued regarding the jurisdictional division between the Commerce Committee and the Labor and Human Resources Committee on this issue. Because one bill was being considered in Commerce and another had already been reported from Labor, the Senate did not consider the House measure.

Wildlife Refuges

In the 100th Congress, S. 1804 to designate a portion of the Arctic National Wildlife Refuge as a component of the National Wilderness System was referred to the Committee on Environment and Public Works. The Committee on Energy and Natural Resources questioned the referral through a series of letters, although to no avail.

SUMMARY OF QUESTIONNAIRE RECOMMENDATIONS

The Committee is very appreciative of the responses by committee chairmen and ranking minority members to its request for information. Many useful data were provided and served to assist the Committee in identifying concerns with Senate procedures noted in this report.

The Committee has reviewed the questionnaires and believes that, although several chairmen and ranking minority members cite problems of jurisdictional overlap, most of these situations do not appear to create serious conflicts between committees. As well, it appears that most are amicably negotiated either before introduction of legislation or during its consideration. Accordingly, the Committee does not believe it is in the best interest of the Senate at this time to recommend a realignment of jurisdiction such as the one effected ten years ago by the Temporary Select Committee to Study the Senate Committee System and the Rules and Administration Committee, and embodied in S. Res. 4 of the 95th Congress. Pursuant to its mandate to continually study the committee system, this Committee will continue to monitor jurisdictional concerns expressed by committees and to recommend action if the current system appears to be problematic and not in the best interest of the Senate or the nation. In the 100th Congress to date, there have been over 3,400 pieces of legislation introduced in the Senate and an additional 400 messaged from the House. Almost all of these were referred without problem or dispute.

The Committee believes that the negotiations and informal discussions currently used to resolve jurisdictional issues are positive and should be encouraged. As well, the Committee believes that multiple referrals, whether joint or sequential, have generally proven to be an effective means of responding to overlap among committees and should continue to be used. Nevertheless, several Senators have suggested some modifications in the referral process which provoke interesting questions and merit further consideration. The Committee, concerned over possible administrative and logistical problems, intends to further study the referral process.

The most frequently mentioned suggestion was to delay the referral of a measure at least one day after introduction to accommodate committees who wish to argue for a referral, or to allow the Parliamentarian to consult with affected committees about the nature of the measure in order to better determine "predominance." The Committee intends to study this proposal further and to solicit opinions from Senators and others, including the Parliamentarian's Office, regarding its possible merits or problems. The Committee does believe that the prereferral conversations which occur prior to introduction, both among committees and with the Parliamentarian, are productive and should be continued.

The Committee also is interested in the concept recommended by some Senators to publish a manual of guidelines for referrals. As the Committee understands the suggestion, such a document might be prepared annually or biennially by the Parliamentarian and could include interpretations of predominant jurisdiction, standards or principles used in determining referral, and in some cases, correspondence discussing the determination and rationale for the decision. The Committee is sensitive to the problems, administrative, workload, and substantive, this suggestion raises. However, the Committee believes that this idea too merits further study and intends to explore it further.

Finally, several Senators have expressed interest in further delineating Rule XXV language to more accurately reflect commonly held understandings of each committee's jurisdiction. For example, "food from fresh waters" has also been referred to as "aquaculture" although only the former appears as Rule XXV language. Further, members tend to view issues in bill title terms; for example, rather than "pesticides", they would discuss the Federal Insecticide, Fungicide and Rodenticide Act. Because this approach too has much to recommend it, as well as potential problems in interpretation, the Committee intends to explore it further.

TABLE 1. Rule XXV and Standing Order Jurisdiction

Standing committees	Related issues and committees
Committee on Agriculture, Nutrition, and Forestry	
1. Agriculture economics and research	
2. Agricultural extension service and experiment stations	- Agricultural colleges (Labor and Human Resources)
3. Agricultural production, marketing, and stabilization of prices	
4. Agriculture and agricultural commodities	- Control of prices of commodities, rents, and services (Banking, Housing, and Urban Affairs)
5. Animal industry and diseases	
6. Crop insurance and soil conservation	
7. Farm credit and farm security	
8. Food from fresh waters	- Fisheries and wildlife (Environment and Public Works) - Marine Fisheries (Commerce, Science, and Transportation)
9. Food stamp programs	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committee	Related issues and committees
Committee on Agriculture, Nutrition, and Forestry (continued)	
10. Forestry, and forest reserves and wilderness areas other than those created from the public domain	- Fisheries and wildlife (Environment and Public Works) - Public lands and forests, including farming and grazing thereon (Energy and Natural Resources) - Wilderness areas on the public domain (Energy and Natural Resources)
11. Home economics	
12. Human nutrition	
13. Inspection of livestock, meat, and agricultural products	
14. Pests and pesticides	- Environmental effects of toxic substances, other than pesticides (Environment and Public Works) - Public health (Labor and Human Resources) - Regulation of consumer products and services, including testing related to toxic substances other than pesticides (Commerce, Science and Transportation)
15. Plant industry, soils, and agricultural engineering	
16. Rural development, rural electrification, and watersheds	- Hydroelectric power, irrigation and reclamation (Energy and Natural Resources) - Regional economic development (Environment and Public Works)
17. School nutrition program	- measures relating to education, labor, health, and public welfare (Labor and Human Resources)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Appropriations	
1. Appropriations of the revenue for the support of the Government, except as provided in subparagraph (e)	- The Appropriations Committee's responsibility to fund all government programs and activities not permanently or otherwise funded relates to the jurisdiction of many other Senate committees.
2. Rescission of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code)	
3. The amount of new spending authority described in section 401(c)(2) (A) and (B) of the Congressional Budget Act of 1974 which is to be effective for a fiscal year	
4. New spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act)	
Committee on Armed Services	
1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations	- Nonmilitary aeronautical and space sciences (Commerce, Science, and Transportation)
2. Common defense	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Armed Services (continued)	
3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally	
4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone	- Panama Canal and interoceanic canals generally, except as provided in subparagraph c, Armed Services (Commerce, Science, and Transportation)
5. Military research and development	
6. National security aspects of nuclear energy	- International aspects of nuclear energy, including nuclear transfer policy (Foreign Relations) - Nonmilitary development of nuclear energy (Energy and Natural Resources) - Nonmilitary environmental regulation and control of nuclear energy (Environment and Public Works) - Organization and management of U.S. nuclear export policy (Governmental Affairs)

Committee on Armed Services **(continued)**

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
7. Naval petroleum reserves, except those in Alaska	- Naval petroleum reserves in Alaska (Energy and National Resources)
8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents	- Education (Labor and Human Resources - Agricultural colleges (Labor and Human Resources) - Education of veterans (Veterans' Affairs) - Mining education and research (Energy and Natural Resources) - Status of officers and employees of the U.S., including their classification, compensation, and benefits (Governmental Affairs)
9. Selective service system	
10. Strategic and critical materials necessary for the common defense	- Economic stabilization and defense production (Banking, Housing, and Urban Affairs)
Committee on Banking, Housing, and Urban Affairs	
1. Banks, banking, and financial institutions	- International Monetary Fund (Foreign Relations) - World Bank group, regional development banks (Foreign Relations)
2. Control of prices of commodities, rents, and services	- Agriculture and agricultural commodities (Agriculture, Nutrition and Forestry) - Wages and hours of labor (Labor and Human Resources)
3. Deposit insurance	
4. Economic stabilization and defense production	- Strategic and critical materials necessary for the common defense (Armed Services)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Banking, Housing, and Urban Affairs (continued)	
5. Export and foreign trade promotion	- Measures to foster commercial intercourse with foreign nations and safeguard American business interests abroad (Foreign Relations) - Reciprocal trade agreements (Finance)
6. Export controls	
7. Federal monetary policy, including Federal Reserve System	
8. Financial aid to commerce and industry	- Regional economic development (Environment and Public Works)
9. Issuance and redemption of notes	
10. Money and credit, including currency and coinage	
11. Nursing home construction	- Veterans' hospitals, medical care and treatment to veterans (Veterans' Affairs)
12. Public and private housing (including veterans' housing)	- Indian housing (Select Indian Affairs)
13. Renegotiation of Government contracts	
14. Urban development and urban mass transit	- Construction and maintenance of highways (Environment and Public Works) - General revenue sharing (Finance) - Highway safety (Commerce, Science, and Transportation) - Municipal affairs of the District of Columbia (Governmental Affairs) - Transportation (Commerce, Science, and Transportation)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on the Budget	
1. To report the matters required to be reported by it under title III and IV of the Congressional Budget Act of 1974	- The Budget Committee's jurisdiction covers all functions of the Government and hence relates to the jurisdictions of many other Senate committees
2. To make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis	
3. To request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis	
4. To review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties	
Committee on Commerce, Science, and Transportation	
1. Coast Guard	
2. Coastal zone management	
3. Communications	
4. Highway safety	- Construction and maintenance of highways (Environment and Public Works)
5. Inland waterways, except construction	
6. Interstate commerce	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Commerce, Science, and Transportation (continued)	
7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports	- Energy related aspects of deepwater ports (Energy and Natural Resources) - Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports (Environment and Public Works)
8. Marine fisheries	- Food from fresh waters (Agriculture, Nutrition, and Forestry) - Fisheries and wildlife (Environment and Public Works)
9. Merchant marine and navigation	
10. Nonmilitary aeronautical and space sciences	- Aeronautical and space activities peculiar to or primarily associated with development of weapons systems or military operations (Armed Services)
11. Oceans, weather, and atmospheric activities	- Ocean dumping (Environment, and Public Works) - Oceans and international environmental and scientific affairs as they relate to foreign policy (Foreign Relations)
12. Panama Canal and interoceanic canals generally, except as provided in subparagraph (c) [Armed Services]	- Maintenance and operation of Panama Canal, including administration, sanitation, and government of canal zone (Armed Services)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Commerce, Science, and Transportation (continued)	
13. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing	- Environmental effects of toxic substances, other than pesticides (Environment and Public Works) - Pests and pesticides (Agriculture, Nutrition, and Forestry) - Public health (Labor and Human Resources)
14. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation	
15. Science, engineering, and technology research and development and policy	
16. Sports	
17. Standards and measurement	
18. Transportation	- Construction and maintenance of highways (Environment and Public Works) - Interstate compacts generally (Judiciary) - Transportation of dutiable goods (Finance) - Urban development and urban mass transit (Banking, Housing, and Urban Affairs)
19. Transportation and commerce aspects of Outer Continental Shelf lands	- Environmental aspects of Outer Continental Shelf lands (Environment and Public Works) - Extraction of minerals from oceans and Outer Continental Shelf lands (Energy and Natural Resources)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Energy and Natural Resources	
1. Coal production, distribution, and utilization	
2. Energy policy	
3. Energy regulation and conservation	
4. Energy related aspects of deepwater ports	- Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports (Environment and Public Works) - Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports (Commerce, Science, and Transportation)
5. Energy research and development	
6. Extraction of minerals from oceans and Outer Continental Shelf lands	- Environmental aspects of Outer Continental Shelf lands (Environment and Public Works) - Transportation and commerce aspects of Outer Continental Shelf lands (Commerce, Science, and Transportation)
7. Hydroelectric power, irrigation, and reclamation	- Rural development, rural electrification, and watersheds (Agriculture, Nutrition, and Forestry)
8. Mining education and research	- Education (Labor and Human Resources)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Energy and Natural Resources (continued)	
9. Mining, mineral lands, mining claims, and mineral conservation	
10. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest	- Forestry, and forest reserves and wilderness areas other than those created from the public domain (Agriculture, Nutrition, and Forestry) - Fisheries and wildlife (Environment and Public Works) - Indian land management (Select Indian Affairs) - Purchase of books and manuscripts and erection of monuments to the memory of individuals (Rules)
11. Naval petroleum reserves in Alaska	- Naval petroleum reserves, except those in Alaska (Armed Services)
12. Nonmilitary development of nuclear energy	- International aspects of nuclear energy, including nuclear transfer policy (Foreign Relations) - Natural security aspects of nuclear energy (Armed Services) - Nonmilitary environmental regulation and control of nuclear energy (Environment and Public Works) - Organization and management of U.S. nuclear export policy (Governmental Affairs)
13. Oil and gas production and distribution	
14. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom	
15. Solar energy systems	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Energy and Natural Resources (continued)	
16. Territorial possessions of the United States, including trusteeships	- Intergovernmental relations (Governmental Affairs) - Local courts in the territories and possessions (Judiciary) - National security and international aspects of trusteeships of U.S. (Foreign Relations) - Revenue measures relating to the insular possessions (Finance)
Committee on Environment and Public Works	
1. Air pollution	
2. Construction and maintenance of highways	- Highway safety (Commerce, Science and Transportation) - Urban development and urban mass transit (Banking, Housing, and Urban Affairs)
3. Environmental aspects of Outer Continental Shelf lands	- Extraction of minerals from oceans and Outer Continental shelf lands (Energy and Natural Resources) - Transportation and commerce aspects of Outer Continental Shelf lands (Commerce, Science, and Transportation)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Environment and Public Works (continued)	
4. Environmental effects of toxic substances, other than pesticides	- Pests and pesticides (Agriculture, Nutrition, and Forestry) - Public health (Labor and Human Resources) - Regulation of consumer products and services, including testing related to toxic substances (Commerce, Science, and Transportation)
5. Environmental policy	
6. Environmental research and development	
7. Fisheries and wildlife	- Food from fresh waters (Agriculture, Nutrition, and Forestry) - Marine fisheries (Commerce, Science, and Transportation)
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports	- Energy related aspects of deepwater ports (Energy and Natural Resources) - Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports (Commerce, Science, and Transportation)
9. Noise pollution	
10. Nonmilitary environmental regulation and control of nuclear energy	- International aspects of nuclear energy, including nuclear transfer policy (Foreign Relations) - National security aspects of nuclear energy (Armed Services) - Nonmilitary development of nuclear energy (Energy and Natural Resources) - Organization and management of U.S. nuclear export policy (Governmental Affairs)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Environment and Public Works (continued)	
11. Ocean dumping	- Oceans and international environmental and scientific affairs as they relate to foreign policy (Foreign Relations) - Oceans, weather, and atmospheric activities (Commerce, Science and Transportation
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia	- National penitentiaries (Judiciary) - United States Capitol and congressional office buildings, the Library of Congress, Smithsonian Institution (and incorporation of similar institutions) and the Botanic Gardens (Rules and Administration)
13. Public works, bridges, and dams	
14. Regional economic development	- Financial aid to commerce and industry (Banking, Housing, and Urban Affairs) - Rural development, rural electrification, and watersheds (Agriculture, Nutrition, and Forestry)
15. Solid waste disposal and recycling	
16. Water pollution	
17. Water resources	
Committee on Finance	
1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Finance (continued)	
2. Customs, collection districts, and ports of entry and delivery	
3. Deposit of public moneys	
4. General revenue sharing	- Intergovernmental relations (Governmental Affairs) - Urban development and urban mass transit (Banking, Housing, and Urban Affairs)
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund	- Indian health care (Select Indian Affairs) - Public health (Labor and Human Resources)
6. National social security	- Private pension plans (Labor and Human Resources)
7. Reciprocal trade agreements	- Export and foreign trade promotion (Banking, Housing, and Urban Affairs) - Treaties and executive agreements, except reciprocal trade agreements (Foreign Relations)
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974	
9. Revenue measures relating to the insular possessions	- National security and international aspects of trusteeships of the U.S. (Foreign Relations) - Territorial possessions of the U.S. (Energy and Natural Resources)
10. Tariffs and import quotas, and matters related thereto	
11. Transportation of dutiable goods	- Transportation (Commerce, Science, and Transportation)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Foreign Relations	
1. Acquisition of land and buildings for embassies and legations in foreign countries	
2. Boundaries of the United States	
3. Diplomatic service	Federal Civil Service (Governmental Affairs)
4. Foreign economic, military, technical, and humanitarian assistance	
5. Foreign loans	
6. International activities of the American National Red Cross and the International Committee of the Red Cross	- Domestic activities of the American National Red Cross (Labor and Human Resources)
7. International aspects of nuclear energy, including nuclear transfer policy	- National security aspects of nuclear energy (Armed Services) - Nonmilitary development of nuclear energy (Energy and Natural Resources) - Nonmilitary environmental regulation and control of nuclear energy (Environment and Public Works) - Organization and management of U.S. nuclear export policy (Governmental Affairs)
8. International conferences and congresses	
9. International law as it relates to foreign policy	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Foreign Relations (continued)	
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs)	- Banks, banking, and financial institutions (Banking, Housing, and Urban Affairs)
11. Intervention abroad and declarations of war	
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad	- Export and foreign trade promotion (Banking, Housing, and Urban Affairs)
13. National security and international aspects of trusteeships of the United States	- Revenue measures relating to insular possessions (Finance) - Territorial possessions of the U.S. (Energy and Natural Resources)
14. Oceans and international environmental and scientific affairs as they relate to foreign policy	- Oceans, weather, and atmospheric activities (Commerce, Science, and Transportation) - Ocean dumping (Environment and Public Works)
15. Protection of United States citizens abroad and expatriation	
16. Relations of the United States with foreign nations generally	
17. Treaties and executive agreements, except reciprocal trade agreements	- Reciprocal trade agreements (Finance)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Foreign Relations (continued)	
18. United Nations and its affiliated organizations	
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes	- Banks, banking and financial institutions (Banking, Housing, and Urban Affairs)
Committee on Governmental Affairs	
1. Archives of the United States	- The Governmental Affairs Committee has broad oversight jurisdiction, which is not the subject of this report
2. Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974	
3. Census and collection of statistics, including economic and social statistics	
4. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate	- Congressional organization relative to rules and procedure (Rules and Administration)
5. Federal Civil Service	- Diplomatic service (Foreign Relations)
6. Government information	- Government information (Judiciary)
7. Intergovernmental relations	- General revenue sharing (Finance) - Interstate compacts generally (Judiciary) - State and territorial boundary lines (Judiciary)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Governmental Affairs (continued)	
8. Municipal affairs of the District of Columbia, except appropriations therefor	- Gallaudet College, Howard University, and Saint Elizabeth's Hospital (Labor and Human Resources) - Public buildings and improved grounds of the U.S. generally, including Federal buildings in the District of Columbia (Environment and Public Works) - U.S. Capitol and congressional office buildings, Library of Congress, Smithsonian Institution (and incorporation of similar institutions) and Botanic Gardens (Rules and Administration)
9. Organization and management of United States nuclear export policy	- International aspects of nuclear energy, including nuclear transfer policy (Foreign Relations) - National security aspects of nuclear energy (Armed Services) - Nonmilitary development of nuclear energy (Energy and Natural Resources) - Nonmilitary environmental regulation and control of nuclear energy (Environment and Public Works)
10. Organization and reorganization of the executive branch of the Government	
11. Postal Service	
12. Status of officers and employees of the United States, including their classification, compensation, and benefits	- Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces (Armed Services)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on the Judiciary	
1. Apportionment of Representatives	- Federal elections generally, including the election of the President, Vice President, and Members of Congress (Rules and Administration)
2. Bankruptcy, mutiny, espionage, and counterfeiting	
3. Civil liberties	
4. Constitutional amendments	- Presidential succession (Rules and Administration)
5. Federal courts and judges	
6. Government information	- Government information (Governmental Affairs)
7. Holidays and celebrations	
8. Immigration and naturalization	- Regulation of foreign laborers (Labor and Human Resources)
9. Interstate compacts generally	
10. Judicial proceedings, civil and criminal, generally	
11. Local courts in the territories and possessions	- Intergovernmental relations (Governmental Affairs) - Revenue measures relating to the insular possessions (Finance) - Territorial possessions of the U.S., including trusteeships (Energy and Natural Resources)
12. Measures relating to claims against the United States	- Indian claims against the United States (Select Indian Affairs)
13. National penitentiaries	- Public buildings (Environment and Public Works)
14. Patent Office	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on the Judiciary (continued)	
15. Patents, copyrights, and trademarks	
16. Protection of trade and commerce against unlawful restraints and monopolies	- Interstate commerce (Commerce)
17. Revision and codification of the statues of the United States	
18. State and territorial boundary lines	
Committee on Labor and Human Resources	
1. Measures relating to education, labor, health, and public welfare	- Indian education (Select Indian Affairs) - International education programs (Foreign Relations) - Mining education and research (Energy and Natural Resources) - School nutrition (Agriculture, Nutrition, and Forestry) - Vocational rehabilitation and education of veterans (Veterans' Affairs)
2. Aging	- Problems and opportunities of older people (Special Aging)
3. Agricultural colleges	- Agricultural extension service and experiment stations (Agriculture, Nutrition, and Forestry)
4. Arts and humanities	
5. Biomedical research and development	
6. Child labor	
7. Convict labor and the entry of goods made by convicts into interstate commerce	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Labor and Human Resources (continued)	
8. Domestic activities of the American National Red Cross	- International activities of the American National Red Cross (Foreign Relations)
9. Equal employment opportunity	
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital	- Municipal affairs of the District of Columbia, except Appropriations (Governmental Affairs)
11. Handicapped individuals	
12. Labor standards and labor statistics	
13. Mediation and arbitration of labor disputes	
14. Occupational safety and health, including the welfare of miners	
15. Private pension plans	- National Social Security (Finance)
16. Public health	- Health programs under the Social Security Act and health programs financed by a specific tax or trust fund (Finance) - Indian health care (Select Indian Affairs)
17. Railway labor and retirement	- Regulation of interstate commerce carriers (Commerce)
18. Regulation of foreign laborers	- Immigration and naturalization (Judiciary)
19. Student loans	
20. Wages and hours of labor	- Control of prices of commodities, rents and services (Banking, Housing, and Urban Affairs)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Rules and Administration	
1. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space	
2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules	- Congressional organization, except for any part of the matter that amends the rules or orders of the Senate (Governmental Affairs)
3. Corrupt practices	
4. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices	
5. Federal elections generally, including the election of the President, Vice President, and members of the Congress	- Apportionment of Representatives (Judiciary)
6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided for under rule XI	
7. Meetings of the Congress and attendance of Members	
8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee)	
9. Presidential succession	- Constitutional amendments (Judiciary)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Rules and Administration (continued)	
10. Purchase of books and manuscripts and erection of monuments to the memory of individuals	- National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objecs of interest (Energy)
11. Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings	
12. Services to the Senate, including the Senate restaurant	
13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens	- Public buildings and improved grounds of the U.S. generally including Federal buildings in the District of Columbia (Environment and Public Works) - Municipal affairs of the District of Columbia (Governmental Affairs)

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Small Business	
1. Small Business Administration	
2. Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the chairman of the Committee on Small Business, be referred to the Committee o Small Business for its consideration of any portions of the measure dealing with the Small Business Administration, and be reported by this committee prior to its consideration by the Senate	
Committee on Veterans' Affairs	
1. Compensation of veterans	
2. Life insurance issued by the Government on account of service in the Armed Forces	
3. National cemeteries	
4. Pensions of all wars of the United States, general and special	
5. Readjustment of servicemen to civil life	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Standing committees	Related issues and committees
Committee on Veterans' Affairs (continued)	
6. Soldiers' and sailors' civil relief	
7. Veterans' hospitals, medical care and treatment of veterans	- Nursing home construction (Banking, Housing, and Urban Affairs)
8. Veterans' measures generally	
9. Vocational rehabilitation and education of veterans	- Education (Labor and Human Resources)

TABLE 1. Rule XXV and Standing Order Jurisdiction

Select and special committees	Related issues and committees
Special Committee on Aging	
1. It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such Committee shall not have power to report by bill, or otherwise have legislative jurisdiction	- Aging (Labor and Human Resources) - Natural social security (Finance)
Select Committee on Indian Affairs	
1. It shall be the duty of the select committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United State	- Education, labor, health and public welfare (Labor and Human Resources) - Measures relating to claims against the U.S. (Judiciary) - National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest (Energy and Natural Resources) - Public and private housing (Banking, Housing, and Urban Affairs)
Select Committee on Intelligence	
1. The Central Intelligence Agency and the Director of Central Intelligence	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Select and special committees	Related issues and committees
Select Committee on Intelligence (continued)	
2. Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury	- Department of Defense, Army, Navy, and Air Force, generally (Armed Services)
3. The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities	

TABLE 1. Rule XXV and Standing Order Jurisdiction--Continued

Select and special committees	Related issues and committees
Select Committee on Intelligence (continued) 4. Authorizations for appropriations, both direct and indirect, for the following: a) The Central Intelligence Agency and Director of Central Intelligence b) The Defense Intelligence Agency c) The National Security Agency d) The intelligence activities of other agencies and subdivisions of the Department of Defense e) The intelligence activities of the Department of State f) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division g) Any department, agency, or subdivision which is the successor to any agency named in clause (a), (b), or (c); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (d), (e), (f) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (d), (e), or (f)	

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CRS REPORT FOR CONGRESS

THE STATE OF THE SENATE:
CONDITIONS, PROPOSALS, AND PROSPECTS FOR CHANGE

Stanley Bach
Specialist in the Legislative Process
Government Division

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ABSTRACT

The Senate continues to attract critical evaluations and a wide range of proposals, both modest and ambitious, to change its organization and procedures. This report briefly discusses the context in which Senators may assess the current state of the Senate and these proposals for change.

The author wishes to thank his colleagues, Richard Beth, Edward Davis, Ilona Nickels, Frederick Pauls, Paul Rundquist, and Judy Schneider for their insights which have contributed to this report.

THE STATE OF THE SENATE:
CONDITIONS, PROPOSALS, AND PROSPECTS FOR CHANGE

"The Senate of the United States has been both extravagantly praised and unreasonably disparaged. . . ."[1] So wrote Woodrow Wilson more than a century ago. And controversy continues to envelop the Senate today, not only for the decisions it makes but even more for the way in which it makes them. The Senate has been, and remains, the focus of recurring attempts at "reform" in part because it can seem to be a disjointed place. To this end, Senators have proposed a variety of rules changes affecting the Senate's organization and procedures, most of which are intended to make it more productive and efficient.

A SUMMARY CRITIQUE

Many of the complaints about how the Senate works can be formulated in several ways that most Senators are very likely to recognize.

According to one line of criticism, the Senate's committee system is fragmented. There is too much jurisdictional competition and overlap among too many committees and subcommittees, and no longer a clear demarcation between the work of the Appropriations Committee and that of the Senate's other legislative committees. The multiple committee and subcommittee assignments that Senators hold inevitably give rise to scheduling conflicts and excessive demands on their time. In turn, Senators have difficulty finding opportunities to become as well-informed as they would like on matters within their committees' jurisdictions, and committees can encounter problems in securing attendance to complete markups and then to order matters reported.

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[1] Woodrow Wilson, Congressional Government. Cleveland: World Publishing Company, 1956 (originally published in 1885). p. 135.

A second source of criticism derives from what is characterized as the unpredictable and inefficient way in which the Senate often must conduct its business on the floor, despite the best efforts of its Majority Leader. "Holds" delay timely consideration of matters that might enjoy overwhelming support if they could only reach the floor. Floor action on matters on which there are no holds may be postponed unexpectedly to suit the convenience of individual Senators. Then, once major bills are called up, their consideration often is punctuated by repeated quorum calls and requests by floor managers and party leaders that Senators come to the floor and offer their amendments. Consequently, Senators cannot plan their own legislative, political, and personal activities with assurance. Sessions may stretch into the evening, straining comity and disrupting family life. And the Senate's weekly schedule may have to be extended or revised at short notice, jeopardizing Senators' travel plans and commitments at home, and making it very difficult for them to allocate their time deliberately and confidently.

Third, some Senators contend that, for all the time the Senate spends on legislative and executive business, they are not able to use this time as constructively as they might. Although the Senate has prided itself on being "the world's greatest deliberative body," floor debate sometimes consists primarily of a series of speeches in which Senators explain their own positions, without examining and responding to each other's arguments. Repeated votes on the same issue create the sense that important issues are almost never really settled, but are merely disposed of temporarily until they arise again in slightly different forms. Partly as a result, the Senate and the House regularly have to violate their own timetables, and often fail to meet the deadlines confronting them. One consequence is an accumulation of business to be resolved hurriedly during the closing days of the session, including passage of an omnibus continuing resolution to appropriate more than half a trillion dollars.

PROPOSALS FOR CHANGE

Not all Senators would accept all the complaints and criticisms that form this critical portrayal of the Senate, which exaggerates its deficiencies and fails to take account of all that it accomplishes. Nonetheless, the extent of dissatisfaction among Senators is manifested in the number and variety of their proposals for organizational and procedural change.

The Pearson-Ribicoff Study Group on Senate Practices and Procedures, for example, offered a wide-ranging series of proposals in its 1983 report to the Committee on Rules and Administration. In late 1984, the Temporary Select Committee to Study the Senate Committee System, chaired by Senator Quayle, issued a report with recommendations that were not limited to the Senate's system of committees and subcommittees. In addition, Senator Stevens submitted a package of proposed rules changes (S. Res. 461) in 1984, as did Senator Byrd in early 1985 (S. Res. 2 and S. Res. 28).[2] Also during the 99th Congress, Senators adopted several rules changes in the process of authorizing broadcasts of their floor proceedings. For instance, the Senate reduced the ceiling for post-cloture consideration from 100 to 30 hours, and simplified its floor procedures for considering treaties.

During the present Congress, the Committee on Rules and Administration has initiated a study of proposals, submitted by Senators Byrd, Stevens, Pryor and Danforth, and Kassebaum and Inouye, among others, which seek to address many of the sources of dissatisfaction noted above. Certain of these resolutions propose, for example, that the same committees be given jurisdiction over program authorizations and appropriations (S. Res. 260), that debate on motions to proceed be limited (S. Res. 275, S. Res. 309), that amendments be offered to each section of a measure in sequence (S. Res. 277), that the Senate be empowered to impose a germaneness requirement on amendments by vote (S. Res. 41), and that line items of appropriations measures be enrolled separately (S. Res. 263). These are only a sampling of the proposals for changing the Standing Rules that may receive consideration.[3]

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[2] U.S. Congress. Senate. Committee on Rules and Administration. Report of the Study Group on Senate Practices and Procedures. Committee Print. Senate Print 98-242, 1984; U.S. Congress. Senate. Temporary Select Committee to Study the Senate Committee System. Report Together with Proposed Resolutions. Committee Print. Senate Print 98-254, December 14, 1984. For a discussion of these proposals, see Richard S. Beth, et al., Recommendations for Senate Reform: A Comparison of Selected Proposals. Congressional Research Service, January 22, 1985, 85 p.

[3] On these and other proposals, see Ilona B. Nickels, Senate Procedure, Rules, and Organization: Proposals for Change in the 100th Congress. CRS Issue Brief #IB87120, updated regularly.

UNDERLYING CHARACTERISTICS OF SENATE RULES

In assessing proposals affecting the Senate's floor procedures, it is useful to bear in mind that many of the problems these proposals address ultimately are, in large part, reactions and adjustments to the ever present possibility of filibusters and, more generally, to the Senate's rules governing debate and amendments.

When a Senator requests that a hold be placed on a bill or resolution, for example, that request carries with it an underlying though implicit warning of a potential filibuster on the measure, or on the motion to consider it, if the Majority Leader does not honor the hold. Even when the Majority Leader is prepared to schedule some matter for floor consideration, he may decide to withhold calling it up if he cannot secure a time agreement limiting debate on it and all related amendments and motions, thereby protecting against a filibuster. By the same token, one reason for prolonged quorum calls during consideration of a measure is to allow for negotiations in the hopes of resolving a policy disagreement that otherwise might escalate into a filibuster, delaying the bill's passage.

Even in the absence of a filibuster, or the threat of one, the Senate's debate rules still are a potential source of frustration and a primary reason the Senate floor can be such an unpredictable place. For instance, there may be no Senators waiting on the floor to offer their amendments because they cannot predict when their opportunity will arise; debate on the pending amendment may consume 5 minutes or 5 hours, even if a majority of Senators are ready to vote for it. And underlying the Senate's difficulty in adhering to a daily or weekly legislative schedule is its inability either to predict, absent a unanimous consent agreement, how long its members, proponents and opponents alike, will choose to speak on a pending measure, or to control the length of the debate by majority vote.

A second fundamental characteristic of Senate procedure that also can give rise to uncertainty and frustration is the right of Senators to offer non-germane amendments to most measures, unless the Senate has invoked cloture. A bill that is expected to attract only a few amendments and to require no more than an hour of debate suddenly may be subject to a non-germane amendment, provoking lengthy debate or even a filibuster. Thus, so long as Senators can propose highly controversial non-germane amendments to legislative "vehicles" of their choice, and do so without advance notice, neither party leaders nor floor managers can exercise effective control over what issues the Senate debates, and when, or over how much time bills will consume on the floor.

In short, the rights of Senators to speak at length, and even to filibuster, and to offer non-germane amendments are among the Senate's defining characteristics and driving forces. Changes in Senate rules, however useful they may be, which leave these two rights essentially untouched may leave the Senate fundamentally unchanged.

THE NORMS OF SENATE PRACTICE

Of course, the Senate's legislative practices involve much more than invocations of its rules. Senators rarely filibuster, and usually find that they can protect their interests without explicit threats of filibusters. Instead, Senators traditionally have emphasized adherence to norms of accommodation and compromise, and they have done so precisely because they appreciate that the Senate could not function well if they all took full advantage of their procedural rights whenever it might serve their short-term interests. So these norms protect the Senate against the potential consequences of its rules. But once such norms become well-established, they become an independent force in shaping Senators' attitudes, expectations, and behavior.

When Senators request that floor consideration of a bill be delayed, for instance, or that a vote be postponed because they cannot be present until a later time, their request could be accompanied by an implicit or explicit promise of retribution if their request is not honored--retribution in the form of filibusters, for example, or objections to the routine unanimous consent requests on which the Senate depends to expedite its business. In daily practice, however, the personal and procedural dynamics of the Senate rarely are so crude. Senators make such a request because they believe it to be legitimate, and because they expect to be accommodated just as they expect to accommodate their colleagues under similar circumstances. In the same fashion, when the floor leaders honor a hold on a bill, they need not be convinced that the Senator placing the hold is prepared to filibuster the bill. Instead, they are likely to honor the hold because holds have become an expected and accepted part of the legislative process. It is even possible that some Senators may no longer consciously associate holds with the threat of filibustering on which they ultimately are based.

In sum, the Senate's rules, and especially the absence of rules to limit debate by simple majority vote, would seem to have given rise to attitudes and expectations which affect Senate activities in their own right. In the ordinary course of business, Senators expect to be accommodated, and this expectation could well survive changes in the rules themselves. If the Senate were to prohibit or severely limit debate on motions to proceed, for example, Senators might continue to place and honor holds and attempt to reach consensus on the floor schedule, because that is the way in which they have come to expect the Senate to work. Only gradually might the Senate become accustomed to making such agenda decisions by majority vote instead. Such an interplay between the Senate's formal rules and its informal but well-established norms inevitably complicates predictions of what impact a proposed rules change is likely to have, at least in the short run.

THE UNCERTAIN EFFECT OF RULES CHANGES

As this discussion suggests, one lesson of past attempts at "reform" in the Senate is that changes designed for one purpose often have unintended and unexpected consequences. There are several reasons for caution in anticipating the likely effects of proposed rules changes, especially those that seek in one way or another to make the Senate's legislative process more organized or expeditious.

First, Senators are responsible for enforcing their own rules, and are governed by them only to the extent they choose to be. The Senate has demonstrated a willingness to waive some rules by majority votes on appeals, and it may set aside virtually any rule by unanimous consent. Thus, adding a new requirement or prohibition to the Standing Rules may not accomplish its intended purpose if Senators find that complying with it is too costly, politically or procedurally.

Second, making any one change in the Senate's rules simply could provoke Senators to seek the same end by different means. For instance, the 1975 change in Rule XXII, permitting cloture to be invoked in most cases by three-fifths of the Senators duly chosen and sworn rather than by two-thirds of the Senators present and voting, may have encouraged Senators to resort to post-cloture filibuster tactics. And when the Senate responded to this development in 1979 by imposing a 100 hour ceiling on post-cloture consideration, Senators may have had more incentive to filibuster motions to proceed. If the Senate now were to limit or foreclose debate on such motions, strongly motivated Senators could employ other tactics instead. For example, they could filibuster the motions necessary to send a bill to conference, or they might delay action on other matters in an attempt to convince the Majority Leader not to call up the bill they oppose.

Third, changes in procedure are not a solution for difficult policy choices, especially ones on which the Senate is closely divided. Senators have complained, for example, that they have had to cast repeated votes on the same subjects. Amendments on the same subjects can be offered during consideration of budget resolutions, authorization bills, appropriations bills, and continuing resolutions. One way to avoid repetitive votes, then, might be to abolish one or more of these stages of the funding process. But so long as Senators believe they may reverse the outcomes of previous votes, they might select other legislative vehicles on which to raise these issues in the form of nongermane amendments. Furthermore, simplifying the congressional funding process may not necessarily result in more timely budget decisions, because it would not change the politically painful nature of the choices available to the Senate if it is to contribute to reducing the budget deficit.

Fourth, the ways in which the Senate arranges and conducts its legislative business are in part a response to pressures originating away from Capitol Hill--pressures that cannot be controlled by amending the Standing Rules. The recognition that Senators have not enjoyed a very impressive incumbency advantage in recent elections almost certainly affects the course of Senate activities. The prospect of difficult campaigns encourages Senators to return to their home States more often. And as Senatorial campaigns have become more competitive and expensive, Senators find themselves devoting more time to fund-raising and expanding their circle of supporters, a process that also entails time and travel.

Such pressures on Senators' individual schedules undoubtedly make the Senate's floor schedule more difficult to arrange. Also, Senators sometimes have political incentives for offering amendments and forcing rollcall votes, to put their own positions on public record and force their colleagues to do likewise, without regard to the realistic prospects of victory. More generally, the Senate's organization and procedures have developed in ways that suit the individual political interests of its members, and rules changes that do not take these interests into account may not have their intended effects.

CONCLUSION

Many of the rules changes that Senators have proposed for reforming their institution may be well-designed to respond to the specific problems they address. This analysis has stressed two cautionary themes which may contribute to a more complete evaluation of these proposals.

First, most elements of the Senate's organization and procedures cannot easily be isolated from each other. They fit together, usually in complementing and reinforcing ways, as would be expected in an institution that has evolved and changed incrementally over two centuries. Evaluating a proposed rules change, therefore, involves attempting to assess why the problem it proposes to solve arose in the first place, whether the solution for that one problem might prove to be the cause of others, whether the same problem is likely to re-emerge in another guise, and how the proposed change could reverberate throughout other aspects of Senate operations.

And second, though the ways of the Senate can seem confusing, most of them are understandable responses to several underlying characteristics of its rules and norms and to the contemporary political context in which Senators work. There is a limit to how much the Senate can change the way in does business if it chooses not to reconsider its debate and amendment rules. And changing the rules is unlikely to solve problems that the rules have not created, such as the political pressures on Senators and the peculiar difficulties of policy choices in a time of budgetary stringency. Proposals to treat symptoms may be beneficial. But if they are not recognized for what they are, adopting them may create unwarranted expectations that could lead to further frustration and disenchantment.

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RECOMMENDATIONS FOR SENATE REFORM: A COMPARISON OF SELECTED PROPOSALS

Richard S. Beth
Mary Etta Cook
Ilona B. Nickels
Analysts in American National Government
and
Stanley Bach
Paul S. Rundquist
Judy Schneider
Specialists in American National Goverment
Government Division

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updated

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TABLE OF CONTENTS

INTRODUCTION.. i

STUDY GROUP ON SENATE PRACTICES AND PROCEDURES (THE PEARSON-RIBICOFF REPORT).. 1

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM (QUAYLE COMMITTEE)... 7

SENATE RESOLUTION 461, SUBMITTED BY SENATOR STEVENS OF ALASKA (SENATOR STEVENS)... 11

SENATE RESOLUTIONS 2, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, SUBMITTED BY SENATOR BYRD OF WEST VIRGINIA (SENATOR BYRD)... 17

SPECIFIC ISSUE COMPARISONS

AGENDA SETTING.. 23
AMENDMENTS UNDER CLOTURE.. 27
ASSIGNMENTS... 31
BUDGET PROCESS.. 33
COMMITTEE PROCEDURES.. 34
CONFERENCE PROCEDURES... 37
CONTROVERSIAL MATTERS SHOULD NOT BE CONSIDERED MORE THAN ONCE IN THE SAME CALENDAR YEAR.................................... 38
GERMANENESS OF AMENDMENTS....................................... 41
GERMANENESS OF DEBATE... 44
JOINT INTELLIGENCE COMMITTEE.................................... 46
LEADERS NOT COUNTED IN COMMITTEE QUORUM......................... 50
LIMITATIONS UNDER POST-CLOTURE.................................. 52
MOTION TO PROCEED TO CONSIDERATION.............................. 57
PERMANENT PRESIDING OFFICER OF THE SENATE....................... 59
PROCEDURES FOR INVOKING CLOTURE................................. 62
RESOLUTIONS OVER, UNDER THE RULE................................ 65
ROLL CALL VOTES... 67
SCHEDULING COMMITTEE MEETINGS................................... 68
SENSE OF THE SENATE AMENDMENTS.................................. 70
STAFFED SUBCOMMITTEES... 72
TELEVISING SENATE PROCEEDINGS................................... 75
TIME LIMITATION CALENDAR.. 78
TREATIES.. 81
UTILIZE EXISTING PROCEDURES..................................... 83

INTRODUCTION

This report compares the provisions of four reform packages recommended during the 98th Congress: the Study Group on Senate Practices and Procedures (Pearson-Ribicoff Report); the Temporary Select Committee to Study the Senate Committee System (Quayle Committee); S. Res. 461, introduced by Senator Stevens (Senator Stevens); and S. Res. 2, introduced by Senator Byrd (Senator Byrd.) A brief overview of each package is followed by comparative analyses of the individual recommendations.

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STUDY GROUP ON SENATE PRACTICES AND PROCEDURES
(THE PEARSON-RIBICOFF REPORT)

On May 11, 1982, the Senate agreed to S. Res. 392, introduced by Senator Charles Mathias of Maryland. The resolution established a Study Group on Senate Practices and Procedures to "make a full and complete study" of Senate procedures and practices, and to make such recommendations "as may be necessary or appropriate to preserve and enhance the traditions, customs, functions, forms, and spirit of the United States Senate while enabling the Senate to conduct debate which is focused on major issues of national policy."

Named to the study group were former Senators James B. Pearson and Abraham Ribicoff. Assistance to the Study Group was provided by staff of the Senate Rules and Administration Committee; the Parliamentarian Emeritus of the Senate, Dr. Floyd M. Riddick, also assisted the Study Group.

WORK OF THE STUDY GROUP

Early on, the Study Group determined to focus its ultimate recommendations on three discrete areas: issues related to the role of the party leaderships; issues related to committee procedures and operations; and issues related to rules and practices governing chamber operations and floor procedures. Rather than conducting public hearings on these issues, the Study Group decided to interview individual Senators and Senate staff to obtain their confidential views regarding deficiencies in existing Senate practices.

The Study Group submitted its Draft Report to the Senate Rules and Administration Committee on April 5, 1983. Copies of the draft were distributed to all Senators. The Rules Committee held hearings on the proposals on May 9, 1983, at which time Senators Pearson and Ribicoff testified to explain their proposals in more detail. No further committee action on the Study Group proposals was taken in the 98th Congress.

The Study Group was aware that the overall impression created by their recommendations would be one of revolutionary impact on the Senate. "A cursory glance at the report's recommendations could cause one to judge the report to be quite radical." But, the Study Group took care to place these proposals within the context of Senate traditions. "While taken as a whole, these recommendations do represent a dramatic change in the daily life of the Senate; nonetheless, the recommendations, if fully implemented, would present no change to the basic and unique nature of the Senate . . . It has been our intent that the recommendations we present not be revolutionary from a parliamentary point of view; they fall within the framework of existing procedures of the Senate."

The following provides a brief summary of the Study Group's recommendations on the three major issue areas.

LEADERSHIP REFORMS

By concurrent resolution, establish an annual agenda of major legislative issues for each session, and require a premium vote (extraordinary majority) to change the agenda. Televise debate on these legislative issues, but, otherwise retain ban on television coverage of Senate floor sessions.

Create post of permanent Presiding Officer (in addition to post of President Pro Tempore) with greater authority than present presiding officer. Require

Presiding Officer to enforce quorum rule, to abolish "holds" with the concurrence of party leaders; to prevent dilatory quorum calls; and to enforce requirement that demands for the yeas-and-nays be seconded by the required constitutional one-fifth of a quorum. 1/

Set a legislative schedule one week in advance, and permit the leadership to propose modifications to it, but only if supported by a premium vote of the Senate.

Prohibit the consideration of a bill (or amendment) a second time during the same session, unless authorized by a premium vote of the Senate.

Require Senators to obtain unanimous consent for absence on official or other business.

Require call of the calendar, daily or as regularly as there are measures pending, to dispose of "unobjected to" measures.

Establish new procedures for each daily session, as follows:

1) Senate convened at time fixed previously;
2) Presiding Officer determines the presence of quorum; if no quorum within 30 minutes, automatic adjournment.
3) After quorum established, prayer of the Chaplain.
4) Recognition of Majority and Minority Leaders under Standing Order.
5) Proceed to Morning Business, to be transacted without debate.
6) Call of Calendar, when unobjected to bills available.
7) Resolutions "over under the Rule" considered
8) Unfinished business laid down for consideration, or Majority Leader call up other business.

1/ There is some discussion of how many Senators must second the demand. In practice, one-fifth of the Senators present are permitted to demand a roll-call vote; generally this is less than 11 (one-fifth of 51 Senators). Rarely enforced precedents of the Senate suggest that the official notice of the presence of a quorum (by a live quorum call, or by the number of Senators participating in a yea-nay vote) may be used to determine the requisite one-fifth. For example, if 90 Senators participated in a yea-nay vote at an earlier time during the day, it could be argued that the yeas-and nays could only be ordered by 18 Senators (one-fifth of 90).

9) Speeches or remarks not related to day's session to be delivered at close of legislative session.
10) No speech to be read in its entirety; Senator's to speak extemporaneously. Exceptions noted for complex technical statements, or matters containing executive or judicial policy statements.

FLOOR PROCEDURE MODIFICATIONS

The Pearson-Ribicoff proposals focus extensively on the duration of debate and on the rules governing the amending process.

Enforce the Pastore Rule requiring germaneness of debate;

On legislative matters, limit debate on motions to proceed to one hour;

Require germaneness of amendments after a certain amount of time for debate on a bill, to be established by premium vote;

By standing order, require each amendment to specify the statute being amended, the agency or program affected, and the subject matter of the amendment.

Require under most circumstances that amendments be printed one day in advance;

Require that copies of all modified amendments be available to Senators prior to a vote;

Within five days of Senate passage of a bill, require committee chairmen to issue a resume describing differences in bill as passed from bill as reported.

With regard to appropriation bills, the Study Group proposed to restrict the practice whereby the Senate would vote on whether legislation proposed to be attached to an appropriations bill was germane. One option, the Study Group noted, would be to require that legislative language would have to be in the bill as passed by the House (or reported by the Senate Appropriations Committee) in order for the germaneness test to be met. The Study Group also proposed that only the Appropriations Committee, the legislative committee of jurisdiction, or the joint leaderships be permitted to offer legislative amendments to appropriations bills under the current germaneness test.

Once cloture has been invoked, limit to two the number of amendments any Senator, except party leaders and committee managers, could offer. Consider that all amendments printed pursuant to current cloture rule had been read. Prohibit the division of a question on any amendment, once cloture is invoked. If this latter provision proved inadequate, the Study Group suggested that consideration be given to a length limit on all amendments offered post cloture.

COMMITTEE SYSTEM

The Pearson Ribicoff proposals would consolidate the Senate committee system, minimize the independence of subcommittees; and restrain future growth of committee staff.

The following are proposed changes of the Study Group affecting committee jurisdictions:

Abolish the Intelligence Committee, and divide its responsibilities among the Committees on Appropriations, Armed Services, and Foreign Relations;

Abolish Budget Committee, and assign its responsibilities to a joint subcommittee of the Appropriations and Finance Committees.

The Veterans Affairs Committee should be abolished, and its functions assigned to the Armed Services Committee.

The Small Business Committee should be abolished, and its functions assigned to the Armed Services Committee;

The Aging Committee should be abolished, and functions absorbed by the Labor and Human Resources Committee.

The Indian Affairs Committee should be merged with the Committee on Energy and Natural Resources.

The Ethics Committee should be merged with the Rules and Administration Committee, which should also perform the functions now assigned to the Joint Committee on the Library and the Joint Committee on Printing.

The Joint Economic Committee should be absorbed into the Banking Committee.

The Joint Taxation Committee should be absorbed into the Finance Committee.

Divide the remaining committees into three categories, and permit Senators to serve on only one committee in each category.

Category I	Category II	Category III
Appropriations	Banking	Agriculture
Armed Services	Commerce	Governmental Affairs
Finance	Energy	Labor & Human Resources
Foreign Relations	Environment	Rules & Administration
	Judiciary	

The Study Group proposed that after the annual legislative agenda resolution is agreed to, Senate comittees would be prohibited from reporting legislation on subjects not included within the agenda. Committees could suggest to the Senate that consideration be given to an otherwise unnoted issue, but committees could not mark-up or report legislation on such topics without leave of the Senate.

Subcommittees would be banned from marking up legislation; that would remain the sole province of the full committee. Subcommittees would be permitted to conduct studies, hearings, and investigations on matters within their jurisdiction.

To further reduce the workload of committees, the Study Group proposed to prohibit the the assignment of staffs on a full-time basis to subcommittees; staff would be required to work under the direction of the full committee.

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM (QUAYLE COMMITTEE)

Pursuant to S. Res. 127 (June 6, 1984), a 12-member Temporary Select Committee to Study the Senate Committee System was established "to conduct a thorough study of the Senate committee system." U. S. Senators appointed to the committee are: Dan Quayle (R-Ind.), Chairman; Wendell Ford (D-KY), Cochairman; Charles McC. Mathias (R-MD); Jake Garn (R-UT); Malcolm Wallop (R-WY); Bob Kasten (R-WI); Warren Rudman (R-NH); Russell Long (D-LA); John Melcher (D-MT); J. Bennett Johnston (D-LA); Spark Matsunaga (D-HI); and Alan Dixon (D-IL).

The Select Committee held hearings on July 31 and August 2, 1984, receiving testimony from 14 sitting Senators. Witnesses included the Senate Majority Leader Howard Baker, the Dean of the Senate John Stennis, and the chair or ranking minority member of 38 percent of the Senate's standing committees. Reform proposals were subsequently reviewed by the select committee at business meetings held September 18 and 25, 1984.

Mark up was conducted November 29, 1984, and a report issued December 14, 1984. At this time the panel unanimously agreed to a consensus report making a number of recommendations. Select Committee recommendations include two resolutions: a Senate resolution to change the operation of the Senate committee system, and a concurrent resolution to establish a Joint Committee on Intelligence Oversight. Additional recommendations, not included in the formal resolutions, suggest changes in Senate floor procedure.

FORMAL RECOMMENDATIONS

The Select Committee's formal recommendations address the following subjects:

Committee and subcommittee assignment limitations. Many of the Select Committee's recommendations are directed toward reducing the number of committee panels on which each Senator now serves, thus diminishing conflicts in Senators' committee meetings schedules arising from current committee assignment practices.

The Temporary Select Committee recommends a reduction in the size of existing committees, and consequently a reduction in the number of committee slots which must be filled. Total slots on "A" committees would be reduced to 200; slots on "B" committees would be limited to 100. Senate Rules would be changed to designate the Permanent Select Committee on Indian Affairs a "B" committee. The number of subcommittees of each committee (except Appropriations) would be limited to five.

The Select Committee recommends that a 9-unit rule be adopted (an 11-unit rule for members of the Appropriations Committee). The unit rule would limit Senators to membership on a total of nine panels—committee and subcommittee assignments (11 for Appropriations Committee members). Senators would further be limited to assignment on two "A" committees and one "B" committee, without exception. The Select Committee also recommends that Senators be limited to service on two subcommittees of each committee on which they serve (except Appropriations).

The Select Committee recommends that Senators be limited to two committee and subcommittee chairmanships—the limitation would apply to either "A" or "B" committees.

A final recommendation directed toward reducing committee workload levels for individual Senators recognizes the time-consuming tasks performed by the majority and minority leaders. The Select Committee would provide that the majority and minority leaders not be counted for the purposes of a quorum on the committees on which they serve.

Bill referral. The Select Committee makes two recommendations for sequential referral of matters which fall within the jurisdiction of more than one Senate committee. First, when a bill reported from one committee contains substantial subject matter which falls in the jurisdiction of another committee, that bill should be sequentially referred to the other committee for 30 days. Secondly, appropriations bills, when they contain subject matter within the jurisdiction of an authorizing committee, would be sequentially referred to the authorizing committee for five days. In both instances, the time period for sequential referral could be altered: by agreement between the two committee chairs in the first instance; by the majority and minority leaders in the case of appropriations bills.

Computerized scheduling of committee meetings. The Select Committee recommends that when a committee mark-up meeting is announced, the chairman be required to also announce a list of committee members who have other mark-up meetings which are in conflict with the one being announced. Conflicts in committee schedules could be determined by using the existing LEGIS REPORTS computerized scheduling system.

Implementation of a two-year budget process. The committee recommends that the Budget Act be amended to establish a two-year budget process. A Select Committee would be appointed to develop the legislation necessary to implement the two-year budget process.

A joint intelligence committee. In a separate resolution, the Select Committee recommends a Joint Committee on Intelligence. The joint committee, patterned after the former Joint Committee on Atomic Energy, would be composed of five members from the Senate and five members from the House of Representatives.

ADDITIONAL RECOMMENDATIONS

The Temporary Select Committee to Study the Senate Committee System also recommended changes in the operation of the Senate, but did not include these issues in the committee's resolutions. Recommendations for changes in Senate floor procedure are:

Germaneness motion. The Select Committee recommends that the Senate provide for a germaneness motion. As stated by the committee, a germaneness motion would preserve the legitimate place nongermane amendments have in Senate procedure of protecting the minority, while it would also reduce the use of nongermane amendments "to divert the Senate from important policy debates and to impede action on essential legislation." The motion, if invoked by a vote of sixty percent of those Senators present and voting, would prohibit the offering of nongermane amendments for the remainder of the consideration of the pending business. Should the chair hold an amendment nongermane, on appeal, sixty percent of those Senators present and voting would be required to overturn the chair's ruling.

Motion to proceed. The Select Committee contends that filibustering and invoking cloture--procedures designed for use during debate on major divisive issues—have become trivialized in recent years. An example offered by the committee is that in the final six weeks of the 98th Congress there were seven votes on cloture petitions; three of these seven votes were on the motion to proceed. The committee recommends a two-hour time limit on the motion to proceed as "necessary to ensure that unlimited debate is permitted only on substantive issues."

Cloture. The select committee recommends that "a more meaningful cloture procedure" be established. The select committee does not recommend specific changes in floor procedure which would accomplish this objective.

SENATE RESOLUTION 461, SUBMITTED BY SENATOR STEVENS OF ALASKA

On October 2, 1984, Senator Ted Stevens of Alaska made a statement on the Senate floor about reform of the Standing Rules of the Senate, in which he proposed a series of rules changes. Appended to his statement was the text of S. Res. 461, embodying his recommendations. (See the Congressional Record (daily edition), October 2, 1984, pp. S12543-S12547.)

As a preface to his specific proposals, Senator Stevens asserted that:

> it has become increasingly clear that some of our venerable rules may be inappropriate for conditions faced by the modern Senate. The balance between institutional and individual rights is out of kilter. Much useful legislation cannot be considered because the rules permit too many barricades. Irrelevant issues are raised through nongermane amendments, forcing a diversion of the Senate's time and energy away from pending legislation. In short, Mr. President, the Senate rules have been bent, stretched and interpreted to a point where they now constrain the Senate from doing the business it must.

The Senator proceeded to propose a package of rules changes that, in his view, "preserve essential minority and individual rights, but which allow the Senate to function." A brief summary follows of the apparent intent and effect of his proposals.

Motion to proceed. S. Res. 461 would limit debate on the motion to proceed to the consideration of a legislative measure to two hours, to be equally divided and controlled by the Majority and Minority Leaders or their designees. A tabling motion would be in order during the two-hour period. Senator Stevens noted that motions to proceed to the consideration of privileged matters and matters on the Executive Calendar are not debatable, nor is debate in order on motions to consider legislation when made during the Morning Hour. He characterized the debatable motion to proceed as "anomalous" and creating "the problem of a double filibuster—where extended debate can take place not only on the measure itself, but also on the question of timeliness of consideration."

Conference reports. S. Res. 461 would waive the reading of any conference report that has been available to Senators in printed form for at least twenty-four hours. At present, any Senator may demand that a conference report be read in full. According to Senator Stevens:

> The purpose of this change is to allow Members time to review work products, but to close the parliamentary loophole whereby a single Senator may kill a bill simply by objecting to a unanimous consent request to waive the reading of a voluminous conference report to the entire Senate in the last hours of the Senate's session.

Treaties. S. Res. 461 would eliminate the requirement that the Senate consider a treaty, and amendments to it, as in Committee of the Whole, before the treaty and then the resolution of ratification, and amendments to each, are considered by the Senate, sitting as the Senate. Senator Stevens characterized the Committee of the Whole procedure, which is usually waived by unanimous consent, as "a parliamentary hula hoop that should be purged from the Senate rules on executive session as it was from legislative session over 50 years ago." In his view, this procedure "is clearly an anachronism and serves no purpose other than to complicate the treaty procedure." Under his proposal, the Senate would debate and amend a treaty and then the resolution of ratification much as it now debates and amends legislation.

Germaneness of debate. S. Res. 461 would extend the applicability of paragraph 1(b) of Rule XIX, known as the Pastore rule, by requiring that debate be germane at the conclusion of the Morning Hour or after the unfinished or any pending business has been first laid before the Senate on each calendar day, and until disposition of the specific question then pending before the Senate. According to Senator Stevens:

> much of the time invested by the Senate has been on debating issues unrelated to the matter at hand. This practice has prevented the Senate from giving its full attention to the pending business. The change proposed would direct the Senate's attention in a more appropriate and fruitful manner.

Sense of the Senate/Congress amendments. S. Res. 461 would require that such amendments be germane whenever a germaneness requirement applies to amendments that would have the force of law if enacted. Amendments that only express the sense of the Senate or the sense of Congress are now deemed germane per se (although they have been held dilatory per se under cloture). Senator Stevens would require that these amendments be germane only if the pending measure is subject to a germaneness requirement. In his judgment, this proposal "would encourage Senators to offer germane amendments to bills before the Senate and save debate on other issues until the proper time."

Resolutions over under the rule. S. Res. 461 would provide that, if a Senator submits a Senate or concurrent resolution and there is objection to a request for its immediate consideration, the resolution would be held at the desk until the next legislative day and then placed on the Calendar of General Orders. At present, when a Senator objects to immediate consideration of such a resolution, it is placed on the Calendar under a special heading and, in theory, is to be presented for consideration after any other such resolutions as the last item of morning business, if time remains during the Morning Hour on the next legislative day. Senator Stevens characterized the current procedural status of such resolutions as "a form of legislative purgatory" in light of the fact that the Senate recesses from day to day far more often than it adjourns.

Germaneness of amendments. S. Res. 461 would permit the Senate, by motion, to require that amendments to a pending measure be germane. Such a motion would be in order once each day, would be debatable for one hour, and would require a three-fifths majority of the Senators present and voting. In effect, the same majority that is now usually required to invoke cloture, under which amendments must be germane, could vote to impose a germaneness requirement without also limiting debate. Committee amendments would be deemed germane per se. The Presiding Officer would rule on all points of order concerning the germaneness of amendments, whether imposed by such a motion or required by Rule XVI (which requires that amendments to general appropriations bills be germane and now provides for the Senate to dispose of points of order that specific amendments are not germane). Appeals from rulings of the Chair would be decided by majority vote without debate.

Post-cloture changes. S. Res. 461 would change post-cloture procedures in two respects. First, committee amendments would be deemed germane per se under cloture, as they now are under unanimous consent agreements. This change would enable the Senate to invoke cloture on a measure without jeopardizing nongermane committee amendments to which the Senate has not yet agreed. Second, each Senator could yield back part or all of his or her hour for debate under cloture, and any time yielded back would be deducted from the total of one hundred hours permitted for post-cloture consideration (but not to less than a total of two hours). The latter change, according to Senator Stevens, would permit Senators to limit the time that could be used "through dilatory procedures adopted in a filibuster that had very, very little support."

Filing amendments under cloture. S. Res. 461 would amend the deadlines for submitting certain amendments in writing in anticipation of a cloture vote. Rule XXII now requires that Senators submit first degree amendments, including amendments in the nature of complete substitutes, by 1:00 p.m. on the day following the filing of the cloture motion, and second degree amendments by one hour before the beginning of the cloture vote itself. Because the first committee amendment that is considered on the Senate floor is often a complete substitute which is treated as original text, amendments to it (as well as amendments to the text it would replace) are first degree amendments. Thus, amendments to such a substitute must now be filed by the same deadline that applies to the substitute itself. Senator Stevens would amend the deadlines by providing that amendments to a committee amendment that are filed by no later than 6:00 p.m. (instead of 1:00 p.m.) on the day following the filing of the cloture motion shall be considered to be first degree amendments to such committee amendment.

Time limitation calendar. Finally, S. Res. 461 would establish a new set of procedures, as an alternative to unanimous consent or cloture, for floor action on bills that enjoy widespread support among Senators. Upon notice to the Senate published in the Congressional Record, a Senator could have any measure placed on a new Time Limitation Calendar. After four days of session, during which there would be deadlines for Senators to submit amendments in writing, a Senator could then make a non-debatable motion on a Wednesday or Thursday to consider the measure. This motion could be made during the first hour after leadership time and special orders, and would require agreement by three-fourths of the Senators present and voting. The motion would be in order only if made within ten days of session after the notice was filed, but notice could be given again if no motion had been made or if a motion had been made and defeated.

If the Senate agrees to the motion, the measure would become and remain the unfinished business until disposed of by majority vote. Debate on any amendment, debatable motion, submitted point of order, or appeal would be limited to twenty minutes. Amendments would have to be germane and would be considered as read. No Senator could offer more than one amendment unless every Senator had the same opportunity. Dilatory amendments and motions would be prohibited. If the measure is considered for more than eight hours, the Senate could, again by a three-fourths vote, impose a time cap of six hours for further consideration.

In concluding his statement on October 2, Senator Stevens characterized his proposals in the following terms:

> These proposals are designed to rid the present rules of the Senate of anachronisms and archaic practices. The intent of these suggestions is to propose a way to focus the Senate's debate on issues and to eliminate much of the parliamentary quagmire that has prevented this body from making the progress it is capable of making.

SENATE RESOLUTION 2 AND RELATED RESOLUTIONS, SUBMITTED BY SENATOR BYRD OF WEST VIRGINIA

On January 3, 1985, the Minority Leader submitted and asked for the immediate consideration of S. Res. 2, embodying a series of changes in Senate rules. When the Majority Leader objected to immediate consideration, the resolution went over, under the rule. On the same day, Senator Byrd submitted an identical resolution, S. Res. 28, which was referred to the Committee on Rules and Administration. Also on January 3, the Minority Leader submitted nine other resolutions, S. Res. 20-27 and S. Res. 29, which were referred to the same committee. Each of these resolutions proposed (with some typographical differences) one of the rules changes that were submitted collectively in S. Res. 2 and S. Res. 28 (The texts of these resolutions and a brief accompanying statement appear in the Congressional Record for January 3, 1985, at pp. S6-7, S13-14, and S344-351.)

The following is a brief summary of the various provisions of S. Res. 2. This discussion applies also to the corresponding provisions of S. Res. 28, as well as to the provisions of one of the other nine resolutions, as indicated under each heading below.

Broadcast coverage of floor proceedings. S. Res. 2 provides for radio and television coverage of Senate floor proceedings, evidently at times recommended by the two floor leaders and decided by the Senate. Broadcasting would be supervised and operated by the Senate, with cameras focusing on the Presiding Officer and on Senators who have the floor or to whom other Senators have yielded. While floor proceedings are being broadcast, time would be divided and controlled so as to assure an equal division of time between the two parties. Also during broadcasts, there also would be certain restrictions on the schedule of the Senate and its committees, presumably to minimize schedule conflicts. Audio and video recordings would be archived by, and available through, the Library of Congress and the National Archives, but S. Res. 2 includes a prohibition against using tapes for political or commercial purposes. The Committee on Rules and Administration would be empowered to develop implementing procedures and regulations. (Senator Byrd also has offered this proposal in the form of S. Res. 29, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Committee reporting procedures. S. Res. 2 would amend paragraph 7(a)(1) of Rule XXVI to include a prohibition against reporting by polling. Specifically, Rule XXVI would state that "no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling." (Senator Byrd also has offered this proposal in the form of S. Res. 21, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Treaty procedure. S. Res. 2 would amend paragraph 1(b) of Rule XXX to abolish the requirement that treaties, and amendments thereto, be considered as in Committee of the Whole before the treaty and the resolution of ratification, and amendments to each, are considered by the Senate, sitting as the Senate. S. Res. 2 would preserve the one-day layover requirement before a treaty may be read a second time and considered. After second reading, however, the treaty would be open to amendments, presumably in much the same manner as bills and resolutions. (Senator Byrd also has offered this proposal in the form of S. Res. 22, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Legislative amendments to general appropriations bills. S. Res. 2 would amend Rule XVI to limit the defense of germaneness as a protection for legislative amendments to general appropriations bills. When a Senator makes a point of order that a proposed amendment to such a bill is legislative—that it "proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency"—another Senator can raise the defense of germaneness. If the Senate votes that the amendment is germane, the point of order falls. The Minority Leader proposes to restrict the applicability of this defense to instances in which "there is House legislative language on that subject contained in the bill." As Majority Leader, Senator Byrd had proposed, and the Senate had voted for, a ruling to this effect. (Senator Byrd also has offered this proposal in the form of S. Res. 24, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Electronic voting. Sections 11 and 12 of S. Res. 2 provide for electronic voting on the Senate floor. The proposed new paragraph of Rule XII would permit the Majority Leader to determine, with the concurrence of the Minority Leader, when "the names of Senators voting upon any roll call shall be recorded by electronic device." By rule, the period for voting by electronic device would be limited to no more than fifteen minutes. However, the Majority Leader--again with the concurrence of the Minority Leader—could announce that a "recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration." S. Res. 2 does not require voting by electronic device, but instead permits it as an alternative to voting by roll call. (Senator Byrd also has offered this proposal in the form of S. Res. 23, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Motion to proceed. Section 14 of S. Res. 2 would amend Rule VIII to limit debate on a motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules, when the motion is made at any time other than the Morning Hour. (Such motions made during the Morning Hour generally are not debatable under the current provisions of paragraph 2 of Rule VIII.) Senator Byrd proposes that the motion to proceed be debatable for no more than two hours, to be equally divided and controlled by the two floor leaders or their designees. After this debate, the Senate would vote on the motion without any intervening action. (Senator Byrd also has offered this proposal in the form of S. Res. 25, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Calendar day layover requirement. S. Res. 2 would modify the requirement of Rule XVII that the committee report on a measure or matter must be available to Senators for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before the Senate takes up the measure or matter. Senator Byrd would reduce this requirement from three days to two, and also delete Saturdays from the exception. Thus, his resolution would reduce the required layover period by one day or more, depending on what day of the week the report first becomes available. (Senator Byrd also has offered this proposal in the form of S. Res. 26, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Germaneness of amendments. S. Res. 2 would create a procedure by which the Senate could require by motion that amendments to a bill or resolution under consideration must be germane. A privileged motion to impose the germaneness requirement would be in order twice each day, would be debatable for one hour (to be equally divided and controlled by the two floor leaders or their designees), and would require the support of three-fifths of the Senators present and voting. If imposed by motion, the germaneness requirement would apply to all pending amendments and all amendments subsequently offered, except committee amendments. The Presiding Officer would decide points of order concerning germaneness or relevancy after only such debate as he entertains for his own guidance. Any such ruling of the Presiding Officer could be overturned only by two-thirds of the Senators present and voting. (The same majority would be required to hold an amendment germane if the Presiding Officer submits the question of germaneness to the Senate.) Senator Byrd also proposes that amendments expressing the "sense of the Senate" or the "sense of Congress" not be considered germane per se. (Senator Byrd also has offered this proposal in the form of S. Res. 27, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

Cloture procedure. Finally, S. Res. 2 would modify cloture procedures under paragraph 2 of Rule XXII in five respects. First, the majority required to invoke cloture on most matters would be changed from three-fifths of the Senators duly chosen and sworn to two-thirds of the Senators present and voting; on motions or measures to amend the rules, the necessary majority would be changed from two-thirds of the Senators present and voting to two-thirds of the Senators duly chosen and sworn. The effect of these changes probably would be to make cloture somewhat more difficult to invoke. Second, the requirement that first degree amendments must be submitted in writing by 1:00 p.m. on the day after the cloture motion is filed would be extended to apply to complete substitutes. Third, Senator Byrd would eliminate the one hour of debate per Senator and the total of one hundred hours for consideration under cloture (as well as related provisions on yielding time and the guarantee of ten minutes for each Senator to speak) in favor of a total of twenty hours for consideration of the measure or matter on which cloture is invoked, with the time being equally divided and controlled by the two floor leaders or their designees. Fourth, S. Res. 2 would require a vote of two-thirds of the Senators present and voting to overturn the decision of the Presiding Officer under cloture that an amendment is not germane. And fifth, the revised cloture rule would waive the reading of all amendments under cloture, not only amendments that have been available in printed form for at least twenty-four hours. (Senator Byrd also offered this proposal in the form of S. Res. 20, which was submitted on January 3 and referred to the Committee on Rules and Administration.)

SPECIFIC ISSUE COMPARISONS

AGENDA SETTING FOR THE SENATE

Issue: Should the Senate, at the beginning of each Session, establish a set legislative agenda for floor consideration in the coming year?

Current Rule: The Standing Rules of the Senate do not address this issue. In current practice, the Majority Leader of the Senate arranges both the short-term and long-term legislative agenda of the chamber and implements that agenda by offering the motions to proceed to the consideration of chosen measures and by negotiating and propounding the unanimous consent agreements and requests that shape the Senate's daily order of business.

Pearson-Ribicoff: Proposes that the Congress agree to a joint legislative agenda, to be prepared and proposed by the party leaders of both chambers, after consultation with the President. Agreement by both chambers would result in the adoption of a concurrent resolution establishing the legislative agenda for the Congress in the coming year. Absent such agreement, the Senate would adopt a simple resolution establishing its own legislative agenda, which would serve as a guideline to the House and to the President. The agenda would list subject matter authorized for consideration, but not specific pieces of legislation. These would be introduced and considered in the regular course of the legislative process. The set agenda would be subject to alteration if a super-majority (2/3 is suggested) of the Senate votes to amend it. Committees would also be authorized to make a motion to include a measure which they have reported, but which was not included on the set agenda. Such a committee motion would require adoption by a 2/3 vote of the Senate.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: The stated intent of the Study Group's proposal is to instill an element of predictability in the legislative agenda, for the sake of the public. By proposing that the Senate agree to a resolution which defines the legislative agenda in advance, the Study Group presumably hoped to establish a process by which a super-majority of the Senate would be able to decide the chamber's priorities, despite the objections of a few, and to also enable Senators and committees to more efficiently plan their time for a given Session.

Whether or not the adoption of a resolution defining the legislative agenda in advance would have these results is dependent on three key considerations: 1) the ability of a minority of Senators to impede timely consideration or adoption of an agenda resolution and/or subsequent motions to expand the agenda; 2) the ability of the Senate to enforce implementation of the agenda; 3) and the effect of outside influences on the Senate's ability to stay within the set agenda.

First, if the Senate considers the agenda resolution under its regular procedures (the Study Group proposal does not indicate otherwise), no restrictions on debate would apply. The importance of having a specific item appear on the agenda might well lead to extended debate on the resolution and/or on subsequent motions to amend it (on motions, the Study Group proposal does suggest "very limited debate"). An attempt by a displeased minority of Senators to prevent the resolution from even being raised for consideration would also be possible. The Study Group proposal does not confer privilege on the amendment resolution or on any subsequent motions or provide for a non-debatable motion to proceed to their consideration.

Second, how violations of the agenda resolution would be defined and how they would be enforced is not addressed in the proposal. Would the Standing Rules of the Senate be amended to provide for points of order based on agenda violations? How could the use of other Senate procedures to circumvent agenda restrictions be prevented? For example, the current procedures of the Senate permit non-germane amendments to be offered in many circumstances. If this proposal is implemented, would non-germane amendments, which might well consist of the entire texts of measures whose subject matter is not part of the set agenda, be subject to points of order? Would such points of order be subject to appeal? Would these appeals be decided by a simple majority, as is now the case, or by a super-majority to coincide with the Study Group proposal's requirement that the set agenda only be amendable by a super-majority? Finally, would unanimous consent be available as a device to circumvent the set agenda and, if heavily utilized, would that use diminish the predictability the agenda was designed to provide?

In addition, while the Study Group provides for a committee motion to add legislative measures to the agenda at a later time, it does not address the reverse situation. How would the Senate be able to consider a set agenda item if the committee of jurisdiction reports no legislation on the subject to the floor? Would the Standing Rules of the Senate concerning the discharge of committees be amended to provide for an automatic discharge in these cases?

Third, would the subject matter on the set agenda be limited to discretionary items or also include those items which the Senate, by previously-enacted statute, must consider? This category of measure would include measures to raise the public debt ceiling, appropriation bills, some re-authorization bills, and budget resolutions. Another category of measures could not be included on the agenda because it would not be predictable in advance. Measures in this category would include emergency legislation, measures proposed by the President and measures originated by the House. If these two categories proved to be extensive, they would have a significant impact on the ability of the Senate to achieve the stated goal of a predictable legislative agenda.

AMENDMENTS UNDER CLOTURE

Issue: Are additional restrictions necessary to regulate the the offering of amendments under cloture?

Current Rule: Once cloture is invoked, amendments are in order only if they (1) are germane to the matter under cloture, (2) are first degree amendments submitted at the desk by 1 p.m. of the day after the cloture petition is filed, or second degree amendments submitted by one hour before the vote to invoke cloture begins, and (3) are not ruled dilatory when called up. In addition, "No Senator may call up more than two amendments until every other Senator shall have had the opportunity to do likewise." Amendments are not read when called up, if available in print "at the desk of the Members" for 24 hours. If a measure under cloture is reprinted, Senators may on request have the lineation and pagination of their amendments, previously in order, conformed to the new print.

Pearson-Ribicoff: Recommends that (1) no Senator, except the floor leader and the manager of the measure for each party, be permitted to call up more than two amendments after cloture is invoked; (2) no amendment be in order under cloture that had not been read at the desk before cloture was invoked; (3) no demand for division of the question on amendments be permitted under cloture; (4) Senators have the right to conform amendments by modifying them when called up; and (5) reference to Members' desks be eliminated from the statement of conditions under which the reading of amendments is waived.

Quayle Committee: No recommendation.

Senator Stevens: Recommends (1) permitting amendments to amendments in the form of complete substitutes to be filed until 6 p.m. on the day after a cloture petition is filed; and (2) providing that any amendment from the committee of jurisdiction of a measure be considered per se germane.

Senator Byrd: Recommends (1) making explicit that any complete substitute for a measure is subject to the same submission deadline as first degree amendments, (2) permitting a decision of the Chair, under cloture, on germaneness, to be overturned only by a vote of two-thirds of Senators present and voting, (3) eliminating the requirement that an amendment be available in print from the statement of conditions under which its reading is waived.

Discussion: The current provisions prohibiting a Senator from offering more than two amendments, until all others have a chance to offer two, appear designed to prevent a situation in which a Senator could block the offering of certain amendments by offering a series of other amendments, holding the floor until the cap expired. An absolute limitation on the number of amendments offered after cloture would establish a different form of constraint, of a kind that Senators have in the past been unwilling to impose on themselves. Such a constraint might affect the frequency of omnibus amendments, or of Senators' calling up amendments submitted by others. Significant effects on access to the legislative process might also result from exempting leaders and managers from such a constraint. Implementation would also require specifying whether, for example, second degree amendments and motions to strike would be included in the limitation of two.

Amendments to the first full substitute offered are considered amendments in the first degree, the deadline for which is currently the same as that for filing the substitute. Senator Steven's plan appears designed to accommodate such amendments by permitting them to be filed until a new deadline, later than that for the substitutes they would amend. Senator Byrd's alternative would apparently have the effect of retaining the present deadlines, and thus of providing no new accommodation for first-degree amendments to substitutes. One version of Senator Steven's proposal is formulated as applying to all committee amendments; however, since amendments to any committee amendment that was not a complete substitute would be considered second degree amendments, no additional deadline would appear to be necesssary except in the case of complete substitutes. Senator Steven's two alternative formulations raise the question of whether the new, intermediate deadline should apply to first-degree amendments to full substitutes that are not committee amendments, as well as to those that are.

It has always been possible that a voting majority of Senators might offer provisions they supported as amendments to a measure under cloture, appeal any ruling of the Chair that the provisions were nongermane, and, by voting to reverse the ruling, secure consideration of their proposal under time limitations that the Senate might otherwise have been unwilling to accept. Since overturning a ruling of the chair requires only an ordinary majority vote, this procedure would in effect achieve a form of "majority cloture." This possibility would be obviated, at least mathematically, under Senator Byrd's proposal to make the majority required to reverse the chair on such a question under cloture equal to that required to invoke cloture. The Quayle Committee also considered, but did not adopt, such a recommendation. Deeming commiteee amendments per se germane under cloture would simply extend to that situation one of Senator Stevens's general proposals.

When an amendment on which the yeas and nays have been ordered is divided, the yeas and nays are considered ordered on each division, or "branch," of the amendment. Preventing such division would make it impossible by this means automatically to obtain a long series of roll call votes. It might alternatively be provided that division of the question under such circumstances vitiates any order for the yeas and nays. If division of amendments were prohibited, and the motion to strike portions of the amendment were restricted by a rule against offering more than two amendments, the Senate might more frequently be required to vote on omnibus amendments on an all-or-nothing basis.

Requiring amendments to have been read before the invoking of cloture could prevent the consumption of time under cloture in the reading of very long amendments; its proponents hold that it would prevent amendments too long to be read from being submitted. Implementation might require specifying procedure if the time for the cloture vote arrived before all amendments submitted had been read.

Broadening the conditions under when the reading of amendments is dispensed with might raise the possibility that Senators would be called on to vote on an amendment whose text they do not have available to them in print. However, since amendments called up under cloture must have been submitted before the cloture vote, and since amendments are printed overnight after being submitted, this possibility might present a practical problem only during the day on which cloture was invoked.

ASSIGNMENTS

Issue: What is the optimum number of committee assignments per Senator and how should that number, and assignments within specified categories (if in existence) be determined?

Current Rule: Senate Rule XXV limits Senators to service on no more than 2 A committees, no more than 1 B committee, and an unlimited number of C committees. The rule also provides numerous exceptions to these assignment limits. In addition, Rule XXV designates the size of each standing committee and allows the Majority and Minority leader the right to increase the size of committees by up to two members in order to accord the majority party a majority of seats on all standing committees. This provision also permits a Senator to have an extra A or B committee assignment in order to fill the additional slots.

Pearson-Ribicoff: Recommends eliminating several committees, merging committees with like jurisdiction, and creating three new categories of remaining 13 committees for assignment purposes, allowing Members one committee assignment in each group.

Quayle Committee: Recommends the elimination of all exceptions to assignment limits, the moving of the Indian Affairs Committee from category C to category B, changing the sizes of committees to accomomdate 200 A slots and 97 B slots, and continue the allowance for the leadership to increase sizes.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: The intent of both the Pearson-Ribicoff and Quayle Committee proposals is to limit the number of assignments and accordingly, lessening scheduling conflicts among Members and equalizing their workload. However, neither proposal indicates how the reduction in assignments is to occur. For example, will any exceptions to limits be allowed? Which committee is to be ceded, by Member's choice, the last chosen, or some other option?

Committee sizes also need to be considered. The Quayle proposal limits assignments by lowering committee sizes and therefore, available slots. The Pearson-Ribicoff proposal is silent on size. Is the intent to retain current sizes, even if they have been temporarily increased?

Additionally, each party conference designates certain panels as "exclusive" and limits Members to service on only one, although exceptions still exist. Would this practice be continued?

Relatedly, how are the jurisdictional transfers to be effected in those cases where consolidation is recommended? How are seniority and chairmanships to be accounted for and allocated?

BUDGET PROCESS

Issue: The perceived need for improvements in Senate organization and procedures for making congressional budget policy.

Current rule: Organization and procedures for making budget policy in the Senate are governed largely by Senate Rule XXV and the applicable provisions of the Congressional Budget and Impoundment Control Act of 1974.

Pearson-Ribicoff: Recommends (1) that "the duties and responsibilities of the Budget Committee be absorbed by the Finance and Appropriations Committees, and that these two committees appoint members of their respective committees to make a joint subcommittee to handle the responsibilities and activities of the Budget Committee," and (2) that "the Senate give serious consideration to the enactment of a program that would establish a biennial budget and appropriating process."

Quayle Committee: Recommends that the Senate establish a select committee to make recommendations concerning proposed changes in the budget process, including proposals for a biennial budget process.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: Both the Pearson-Ribicoff and Quayle Committee reports comment favorably on proposals for a biennial budget process. The Quayle Committee does not make specific recommendations for such a process, noting that "there are many difficult questions that must be resolved in order to move towards that goal"—for example, "which process should be dealt with in which years of a Congress." The Pearson-Ribicoff report is somewhat more specific in suggesting that "the number of general appropriation bills should be divided into two groups, with only half of the general appropriation bills being passed each year."

COMMITTEE PROCEDURES

Issue: Should committees be permitted to continue informally to report bills by poll? How long should committee reports be available before Senate action on the measure?

Current rule: Senate rules do not currently prohibit the use of a poll to order a measure reported to the Senate. Senate Rules require that a majority of the members of a committee be physically present to order a measure reported. However, in practice a number of Senate committees, by unanimous consent, permit a poll of committee members to be taken, either in writing or by telephone, on a vote to report on a measure or other matter. Any committee member may object to taking such action by poll, and thereby force a meeting to be called to conduct such business. Some committees have adopted rules establishing polling procedures for actions short of reporting a measure or matter.

Senate Rules currently require that reports from committees be available for three days (excluding Saturdays, Sundays, and legal holidays) before consideration of the accompanying measure. In addition, committees are encouraged to make "every reasonable effort" to have such hearings published and distributed to Senators prior to consideration of the measure. The provisions of the Rule may be waived by joint agreement between the party floor leaders. The Rule specifically does not apply to measures dealing with a declaration of war or national emergency, or to measures to disapprove an executive action.

Pearson-Ribicoff: No recommendation.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: The Senator's proposals on these issues are included in several resolutions introduced on January 3, 1985. Two omnibus resolutions (S. Res. 2, placed on the Senate Calendar, over under the rule; S. Res. 28, referred to the Senate Rules and Administration Committee) contained provisions dealing with polling measures from committee and the availability of committee reports. Senate Resolution 21 deals only with prohibiting the use of pollling in committee. Senate Resolution 26 deals with changing the three-day rule to a two-day rule.

Senator Byrd proposes to abolish the informal usage of polling by requiring the committee chairman to declare, when reporting the measure or filing the report, that the measure was not reported by polling. Regarding the availability of reports, Senator Byrd proposes to require that committee reports be available for only two days (excluding Sundays and holidays) prior to consideration of the measure, compared with the current three-day rule, which now also excludes Saturdays.

Discussion: There is no reliable data available to our knowledge indicating the frequency with which measures are reported from committee by poll. Because the practice could be halted in any committee by the objection of a single Senator, it must be presumed that most Senators find the practice a convenient means by which committees can clear relatively non-controversial matters. However, the practice clearly contravenes established Senate rules governing committee quroums and proxy voting. If, as has been proposed by other entities, the number of assignments of Senators is reduced, committees may be able to obtain a quorum more readily and the demand for polling may be reduced.

Polling may be still used, by implication, at earlier stages of committee, or subcommittee action. If reporting by poll is to be prohibited, there may also be consideration given to prohibiting polling at other procedure stages.

The three-day rule is now designed to give Senators adequate time to review recommended legislation prior to Senate consideration. The proposal to require only a two-day layover, and to count Saturday as one of the two days, means that a report could be filed on Saturday if the Senate were in session and the measure called up on Monday. The proposal would permit the Senate to begin consideration of measures more quickly. Senators who believe that they had been afforded inadequate time to review the report could object to unanimous consent to proceed to the consideration of the measure, or otherwise delay the start of legislative consideration (presuming that no other rules changes are made regarding raising measures).

The proposed rule change does not address two issues. Senate rules do not now require the filing of written reports on all measures. The House routinely does. Would a more complete record of the legislative history of a bill be achieved if all bills reported from Senate committees were required to be accompanied by a written report?

The resolutions introduced by Senator Byrd continue to exempt from the lay-over rule so-called "legislative veto" resolutions. In light of the Supreme Court's ruling in the Chadha case, it may be advisable to consider whether to retain whether to retain references to resolutions of disapproval in the Senate Rules.

CONFERENCE PROCEDURE

Issue: The opportunity to delay consideration and disposition of conference reports.

Current rule: Paragraph 1 of Rule XXVIII provides that "[t]he presentation of reports of committees of conference shall always be in order," except under a few specified circumstances. By precedent, "[t]he presentation of a conference report includes its reading," and "[t]he report must be read if a demand is made therefor, and its reading can be dispensed with only by unanimous consent." (Senate Procedure, p. 399.)

Pearson-Ribicoff: No recommendation.

Quayle Committee: No recommendation.

Senator Stevens: Recommends that the reading of any conference report that has been printed and available at the desk for at least 24 hours before presentation be deemed to have been read.

Senator Byrd: No recommendation.

Discussion: Senator Stevens proposes, as part of S.Res. 461, to eliminate a potential opportunity to delay consideration and disposition of conference reports by amending Rule XXVIII to waive the reading of a report that has been available to Senators in printed form for at least 24 hours. The Senate normally waives such reading by unanimous consent, but the demand for reading in full could significantly delay or even prevent action on a report, especially at the end of a session. The Pearson-Ribicoff and Select Committee reports do not address this subject directly, nor any other relating to conference committees or consideration of conference reports.

CONTROVERSIAL MATTERS SHOULD NOT BE CONSIDERED MORE THAN ONCE IN THE SAME CALENDAR YEAR

Issue: Should the Senate prohibit floor consideration of any controversial matter more than once in the same calendar year?

Current Rule: The Standing Rules of the Senate do not address this issue nor is there any attempt in the current floor practices of the Senate to limit consideration by subject matter.

Pearson-Ribicoff: Proposes that the Standing Rules of the Senate be amended to prohibit floor consideration of the same controversial subject matter, be it in bill or in amendment form, more than once during the same calendar year, unless a super-majority (either 2/3 or 3/5) of the Senate votes to permit such consideration. Further proposes that such a motion be in order only "two or three" times year and further proposes that if two or more Senators oppose consideration of a bill or amendment, it may not be presented to the Senate a second time during the same calendar year.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: The intent of this proposal is to save the floor deliberation time of the Senate by avoiding repetition of the same debate and policy vote more than once. Whether or not this proposal would achieve that result is dependent on several considerations.

First, how "controversial" is defined would be important to any successful implementation of this proposal. The Study Group Report does not give a direct definition itself but suggests that a definition would include "the inability of the Majority Leader or any Member offering an amendment to get unanimous consent to proceed with the consideration of the bill or amendment" and that "if two or more Senators oppose consideration of a bill or resolution, it may not be presented to the Senate a second time during the same Session." Would these two criteria together constitute "controversy"?

In discussing the enforcement of this proposal, the Report provides for points of order on the basis of the new rule and for appeals from the rulings of the Chair. In current practice, an appeal can be overturned by the Senate by a straight majority vote. Therefore, the consequence of such an appeal might be to undo the Study Group's recommendation that the Senate vote by super-majority to allow a second consideration of a controversial subject.

Second, a prohibition would not be able to avoid the duplication of subject matter that is built-into the present legislative process of the Senate. Some repetitive policy debates and votes would continue because they are contained in recurring legislative measures. For example, the same item of contention may be contained in the concurrent budget resolution, a continuing, general and/or supplemental appropriation bill, and/or an authorization or re-authorization bill. Because of statutory requirements, circumscribing the content of these measures might prove difficult. Another category of legislation which would be difficult for the Senate to curtail are House-passed measures. Could the Senate enforce a prohibition against subject matter which may well have been considered on the Senate floor earlier but then arrives as a House-passed bill, which that chamber either could have originated or returned. Also to be considered would be the recurrence of subject matter as vetoed bills are returned to the Senate or as subject matter passes between the chambers repeatedly in the form of amendments between the Houses or in partial conference reports accompanied by amendments in disagreement.

Third, the relationship between this proposal and any changes made in Senate germaneness requirements might be an additional consideration. If germaneness requirements also are made stricter, will limiting the consideration of controversial subject matter overly restrict the ability of an individual Senator to influence the floor agenda of the chamber?

GERMANENESS OF AMENDMENTS

Issue: The advisability of allowing the Senate, by motion, to require that all amendments to a pending measure be germane.

Current rule: Senate floor amendments must be germane when offered: (1) under cloture, (2) to general appropriations bills, (3) under the provisions of a number of rule-making statutes, including the Budget Act, and (4) under the terms of most time agreements.

Pearson-Ribicoff: Recommends that, "after a bill has been under consideration for a specified period of time. . . any amendment thereafter be required to be germane, if a motion to that effect is offered and agreed to by a three-fifths vote. Such a motion to require amendments to be germane after that period had expired could not be offered more than once a day and not until some amendments to the bill had been voted on between the time of the vote on the first motion to require the amendments to be germane and the time the next one is offered. Debate of such a motion should either be restricted to one or two hours or be determined without debate." Recommends also that Rule XVI be amended to preclude the defense of germaneness (when a Senator makes a point of order against an amendment to a general appropriations bill) unless (1) "there were actually something in the bill as passed by the House which was proposing such legislation or that the bill contained an item of the exact nature of the amendment being offered," or (2) raised by direction of the Appropriations Committee when the amendment at issue is proposed by that committee, the legislative committee of jurisdiction, or the two leaders or their designees.

Quayle Committee: Recommends "a special germaneness rule, invoked by 60% of those present and voting. To ensure that the rule can be effectively enforced, it would also be necessary to require a similar majority to overturn rulings of the chair holding an amendment non-germane."

Senator Stevens: Recommends that the Senate be enabled, by motion, to require that amendments to a pending measure be germane. Such a motion would be in order once each day, would be debatable for one hour, and would require a three-fifths majority of the Senators present and voting. Committee amendments would be deemed germane per se. The Presiding Officer would rule on all points of order concerning the germaneness of amendments, whether imposed by such a motion or required by Rule XVI (under which the Senate now disposes of points of order that specific amendments to general appropriations bills are not germane). Appeals from rulings of the Chair would be decided by majority vote without debate.

Senator Byrd: Recommends a procedure by which the Senate could require by motion that amendments to a measure under consideration must be germane. The motion would be (1) privileged, (2) in order twice each day, (3) debatable for one hour, equally divided and controlled by the two floor leaders or their designees, and (4) agreed to only if supported by three-fifths of the Senators present and voting. If imposed by such a motion, the germaneness requirement would apply to all amendments then pending or subsequently offered, except committee amendments. Appeals from rulings of the Chair on the germaneness of amendments could be overturned only by two-thirds of the Senators present and voting. In addition, "sense of Congress" and "sense of the Senate" amendments would be germane only if they "directly relate to the measure or matter before the Senate."

Discussion: All four sets of proposals recommend a procedure for the Senate to require by motion that amendments be germane and to do so by an extraordinary majority, just as extraordinary majorities are required to invoke cloture (under which amendments must be germane). The Select

Committee and Senator Byrd go a step further by requiring such majority to overturn a ruling of the Chair that a specific amendment is not germane. The Senate has not given its Presiding Officer authority to make rulings that the Senate itself cannot reverse by simple majority vote. However, permitting appeals of germaneness rulings to be decided by majority vote might limit the effectiveness of the procedure.

The Pearson-Ribicoff report and Senators Stevens and Byrd also address the issue of germaneness in connection with amendments to general appropriations bills. The Pearson-Ribicoff report apparently would embody in Senate rules the Byrd precedent establishing a threshold test before the defense of germaneness can be raised, except when the defense is raised by the Appropriations Committee and when the amendment at issue is offered by that committee, the legislative committee of jurisdiction, or the two leaders acting jointly. Senator Byrd would prohibit the defense of germaneness unless the bill contains House legislative language on the same subject. Senator Stevens proposes a different approach, recommending that questions of germaneness be decided by the Presiding Officer, not the Senate, and that appeals from such rulings be decided without debate.

GERMANENESS OF DEBATE

Issue: The advisability of extending the requirement that debate on the Senate floor be germane to the pending business.

Current rule: Paragraph 1(b) of Rule XIX, known informally as the Pastore rule, requires that debate be germane and confined to the specific question then pending before the Senate during the first three hours of session on each calendar day after the conclusion of the morning hour or after the unfinished business or any pending business has first been laid before the Senate. This requirement may be set aside by unanimous consent or by non-debatable motion.

Pearson-Ribicoff: Recommends that "debate be germane to the pending business when the Senate has legislation under consideration unless unanimous consent is granted or a motion without debate is agreed to, to allow a Senator to speak on non-germane matters," but that "[t]he germaneness requirement should be defined so that it would not have to be too strictly construed"—"[a]s long as the speech was devoted to the overall pending business, it should be deemed to be relevant or germane to that pending business."

Quayle Committee: No recommendation.

Senator Stevens: Recommends that debate be germane from the conclusion of the Morning Hour or after the unfinished or any pending business has first been laid before the Senate on each calendar day, and until disposition of the specific question then pending before the Senate.

Senator Byrd: No recommendation.

Discussion: Both Senator Stevens and the Pearson-Ribicoff report recommend extension of the requirement for germane debate. Senator Stevens' recommendation might be somewhat more limited in effect. If, for example, the Senate were to complete action on one bill and then take up another on the same calendar day, the Stevens proposal might not require germane debate during consideration of the second bill. Under either proposal, non-germane debate presumably would remain in order when legislative business is not pending.

JOINT COMMITTEE ON INTELLIGENCE

Issue: How should the Senate (and the House) be most effectively organized to provide legislative and oversight guidance to the intelligence community? Should a joint intelligence committee be established? In the interim, should Senators serving on the Senate Intelligence Committee be permitted to retain their membership permanently or for a longer period?

Current Rule: The Rules of the House and Senate both current establish Select Committees on Intelligence. Both select committees have legislative and oversight jurisdiction over matters dealing with the intelligence community. In the Senate, measures reported by the Intelligence Committee dealing with subjects within the jurisdiction of standing committees are referred to these panels for a maximum of thirty days; Conversely, legislation reported by Senate standing committees dealing in part with intelligence matters are sequentially referred to the Intelligence Committee for thirty days. In the House, these legislative overlaps are dealt with by an automatic sequential referral practice applicable to all House legislative committees.

Both committees are required to be kept informed of intelligence policy developments by the appropriate intelligence agency, and these committees are required to be notified of any covert action undertaken by an intelligence organization.

The authorities of the two committees differ to some degree concerning their control over confidential information, and their formal relationship with other committees which deal with national and domestic security issues.

In the House, Intelligence Committee members are drawn exclusively from the Appropriations, Armed Services, Foreign Affairs, and Judiciary Committees; House members may serve no more than six years out of ten on the committee. In the Senate, eight members are drawn from the comparable Senate committees, while seven are chosen from the Senate at large. Senators may serve no more than 8 consecutive years on the committee.

Pearson-Ribicoff: The Study Group, as part of its committee consolidation, recommended that the Select Committee on Intelligence be abolished, and that its functions be assumed by the Armed Services Committee.

Quayle Committee: Based on testimony by Sen. Howard Baker and Rep. Henry J. Hyde, the Temporary Select Committee recommended the establishment of a Joint Intelligence Committee. The committee would be relatively bipartisan, with the majority leaders of the House and Senate each appointing three committee members, and the minority leaders appointing two each. The chairmanship would rotate each Congress between the senior majority party members from each Chamber. There would be no limitation on the length of time a Senator or House Member could serve.

Pending Senate (and subsequent House) action on the concurrent resolution to establish this joint committee, the service limitation set in the resolution establishing the Senate Intelligence Committee would be increased to 10 years so that no Senator would have to relinquish his intelligence assignment while the reorganization was in progress.

Senator Stevens: There is no provision in the Stevens' resolution concerning the intelligence committees. However, in testimony before the Quayle Committee, Senator Stevens appeared to endorse the Baker proposal, at least insofar as it related to encouraging joint action among related Senate committees and with their House counterparts

Senator Byrd: No recommendation.

Discussion: During the 1977 Senate committee reorganization, the Senate firmly rejected greater use of joint committees, and encouraged their abolition whenever possible. Earlier that year, the House had acted to abolish the Joint Committee on Atomic Energy, the only modern joint committee to have legislative jurisdiction. Previously, the House Intelligence Committee deferred, at least for the time being, any serious consideration of proposals to establish a joint intelligence panel.

Supporters of the Quayle proposal believe it would reduce the potential for leaks of damaging national security information, and that there would be less opportunity for partisan controversy surrounding intelligence issues.

Opponents claim that two separate committees are able to bring different perspectives to intelligence policy and that the two committees' different partisan perspectives make congressional oversight more comprehensive.

On the issue of maintaining confidentiality of data, there are now different sets of guidelines in each chamber governing access by Members and staff to classified material. A uniform policy, coupled with reduced numbers of Members and staff with access to data it is contended, would reduce leaks. Opponents state that existing committee and chamber rules are adequate to punish unauthorized disclosure; others argue further that some leaks are encouraged by the Administration, while disclosures opposed by the Administration are the only ones which are criticized.

Fixed membership may permit members to develop a greater level of expertise in intelligence policy oversight. However, there was concern in the House and Senate in setting up their rotating membership panels that a continual infusion of new committee members was necessary to assure agressive oversight.

The Pearson-Ribicoff proposal consolidates jurisdiction in a related committee. However, other committees appropriately can claim a portion of jurisdiction over intelligence policy, including Judiciary (domestic counter-intelligence by the FBI), and Foreign Relations (diplomatic use of intelligence data). In earlier Congresses, there was significant controversy between these legislative committees over appropriate oversight and sharing of intelligence data. The role of the Appropriations Committee ought not be overlooked in this process since there is no longer, generally, any membership overlap between the Appropriations and Armed Services Committees.

LEADERS NOT COUNTED FOR COMMITTEE QUORUM

Issue: Should that party leaders be counted for purposes of establishing a quorum on committees to which they are assigned, since their leadership responsibilities limit their attendance at meetings?

Current Rule: The Senate's Majority and Minority Leaders (unlike their counterparts in the House) retain their membership rights on committees.

Pearson-Ribicoff: There was no proposal on this issue recommended by the Study Group. However, the Study Group's proposal to re-categorize committees, limit Senators to one assignment in each category, and to prohibit markup at the subcommittee level would also appear to minimize any problems cause by party leader membership on the committees. Quorums for hearings at the full and subcommittee level could still be set as low as two Senators, and the absence of party leader committee members would have little effect on achieving that attendance level.

Because Senators would sit on only three panels which could mark up or report legislation, achieving the necessary one-third quorum to conduct a mark-up would be easier.

Quayle Committee: The proposal that party leaders not be counted toward establishing a quorum came from Majority Leader Howard Baker during his testimony.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Other options to achieve the same end might be to require party leaders to relinquish their assignments to committees entirely. Because of the leaders' role to represent the interests of all Senators in the scheduling of legislation, some may assert that the leaders ought not be directly involved in considering legislation which it would later be their duty to bring to the floor.

To protect the career interests of the leaders, provisions could be inserted in Senate or party conference rules to guarantee that party leaders, if they ceased to be party leaders at a later date, could return to their former committee assignments at the same seniority level they would have attained had they not moved into the leadership. This is similar to the House practice governing rotating assignments to the Budget Committee.

An alternative arrangement might be to recognize the general legislative role of the party leaders and permit them to sit, and vote, with any committee (or conference) as a means to encourage resolution of controversy. However, leaders in such a role would lack significant policy experience in most committee's work.

LIMITATIONS ON POSTCLOTURE CONSIDERATION

Issue: Are additional time limitations necessary to ensure that after cloture is invoked, consideration of a matter can be brought to a properly expeditious termination?

Current Rule: After cloture is invoked, each Senator is allotted one hour for debate. At the end of 100 hours of consideration, including time spent on motions, roll calls, quorum calls, and other procedural matters as well as on debate, the Senate proceeds to vote on all questions then pending, including final action on the matter under consideration. During consideration under cloture, dilatory motions and amendments are not permitted, points of order and appeals are not debatable, and the Chair keeps the time used in debate by each Senator.

The 100 hours may be increased by agreement of three-fifths of all Senators to a non-debatable motion in order once in each calendar day; any increased time thereby agreed to is to be equally divided and controlled by the two party floor leaders. Senators may yield all or part of their hour to the floor leader, or to the manager of the matter under consideration, for either party. These four may in turn yield time to others, but none of them may have more than two additional hours so yielded to him or her. When the 100 hour cap expires, any Senator who has not used or yielded at least ten minutes is entitled to up to ten minutes, inclusive, for debate only.

Pearson-Ribicoff: Recommends that (1) a motion be available to reduce the 100 hour cap on the same terms by which it can now be increased, but that such a motion be in order only in case of national emergency or during the last 10 days of a session in accordance with a schedule announced by the (majority) leader; (2) all activities other than debate reduce the time remaining under the cap by double the amount of time actually consumed; and (3) that time yielded to other Senators by the leaders and managers, from time previously yielded to them under the existing rules, count against the hour allotted to the receiving Senator.

Also proposes to strengthen the powers of the Chair by (1) permitting the Chair to count a quorum under cloture, (2) mandating the Chair to take the initiative to rule motions and demands for quorum calls out of order as dilatory, and (3) permitting the Chair to designate someone else to keep the time of Senators in debate,

Quayle Committee: No recommendation.

Senator Stevens: Recommends that each Senator be permitted to reduce the 100 hours available under the cap by the amount that he or she yields back from his or her allotted hour, provided that the time available for postcloture consideration not be reduced below two hours.

Senator Byrd: Recommends that the cap on total consideration be reduced from 100 hours to 20 hours, the time to be equally divided and controlled by the two party floor leaders. Would also omit from the rule the provisions for yielding time to leaders and managers, for a motion to extend time, and for the one hour maximum and guaranteed ten minutes for debate for each Senator.

Discussion: The provisions limiting the total time for consideration under cloture were placed in Rule XXII after the Senate had experienced several situations in which Senators extended consideration under cloture by offering, and obtaining roll call votes on, numerous amendments and motions, as well as requesting repeated quorum calls. A Senator can protract consideration in this way without using up his or her allotted hour for debate, because these actions do not constitute debate.

Senator Byrd's recommendations propose to tighten this limitation by two different means. They would not only reduce the cap on total consideration to twenty hours, but would also eliminate the opportunity to extend consideration beyond that limit by motion. Such a motion to extend debate appears never to have been offered since provision for doing so was instituted, along with the cap itself, in 1979. As a rationale for the selection of twenty hours for the new cap, Senator Quayle has pointed out that 20 hours is the time now allowed under the Budget Act for debate in the Senate on a reconciliation bill. At other times a cap on total consideration of 50 hours has been suggested. The Quayle Committee considered, but did not adopt, a slightly different kind of plan, that would have reduced to 20 hours the time available not for total consideration, but for debate.

Each of these proposals would require reconsideration of the relation between time for debate and time for total consideration. Senator Byrd's plan would eliminate the present guarantees to each Senator of a maximum of one hour and a minimum of ten minutes for debate, providing instead that the disposition of time be regulated by the leadership. Under this plan, the current provisions for yielding time to leaders and floor managers could be eliminated as superfluous. On the other hand, since the time under control would encompass all consideration, it would be necessary to specify how time spent under cloture other than in debate would be charged.

Reducing the cap on total consideration to fifty hours could be accompanied by a reduction to one half hour in the debate time allotted to each Senator. To implement a cap of twenty hours on debate alone, it would be necessary to decide whether this cap would stand in addition to the existing cap on total consideration and caps on each Senator's debate time, or whether it would replace either or both of them. If it replaced the individual caps, a few Senators might consume the entire cap on total debate. If it replaced the cap on consideration, Senators might be able to protract post-cloture consideration by procedural actions rather than debate. If it stood in addition to both, expiration of the time for consideration might bring on a required final vote even though time for debate still remained, or vice versa.

Previous suggestions have also been made to allow Senators to reduce the cap by yielding back their time, but such provisions were omitted from the 1979 amendments to the cloture rule. Some have argued that an individual Senator ought not to be able to reduce the time, under the 100-hour cap, that might be available to others; Senator Stevens suggests instead that such an arrangement would allow one Senator to prevent others from using his or her time.

Implementation of the devices for tightening the use of time under cloture recommended in the Pearson-Ribicoff Report might require making explicit what is meant by national emergency, when a schedule for adjournment would be deemed properly announced, and what the significance would be of one Senator's yielding time to another if the time used is charged to the receiving Senator. Possible effects of the proposed provisions that might require consideration could include those (1) on the postcloture use of time, of charging double the time spent on activities other than debate against the cap, and (2) on the scheduling of controversial legislation, of permitting motions to reduce the maximum time only during the last ten days of a session.

Some precedents from recent years support an argument that under cloture, the Chair currently has the obligation to take initiative to rule amendments and motions out of order as dilatory and the power to determine the presence of a quorum by counting rather than by ordering the roll called. For most of its brief history, however, the Senate has not conceded such powers to the Chair in most situations.

MOTION TO PROCEED TO CONSIDERATION

Issue: Should debate on the motion to proceed to the consideration of a measure be restricted?

Current Rule: Senate rules provide that all motions to proceed to the consideration of a measure are debatable with three exceptions: 1) motions to proceed to the consideration of privileged matters, i.e. conference reports (Senate Rule XXVIII), or House-passed measures or amendments (Senate Rule VII); 2) motions to proceed made following the first hour and prior to the closing of the second hour on a new legislative day, e.g. in the Morning Hour (Senate Rule VIII); and 3) motions to proceed to executive business (Senate Rule XXII).

A motion to proceed to the consideration of any measure which proposes change to the Standing Rules of the Senate is debatable, even if offered during the Morning Hour (Senate Rule VIII).

Pearson-Ribicoff: Proposes that debate on the motion to proceed to the consideration of a measure be limited to two hours, to be equally divided and controlled by the two Leaders or their designees.

Quayle Committee: Proposes that debate on the motion to proceed to the consideration of a measure be limited to two hours.

Senator Stevens: Proposes that debate on any motion to proceed to the consideration of a measure offered after the first two hours of a new legislative day be limited to two hours, to be equally divided between the two Leaders or their designees. Further proposes that such motion be subject to a motion to table without affecting any further motion to proceed to consideration on the same measure.

Senator Byrd: Proposes that debate on the motion to proceed to the consideration of a measure be limited to two hours, to be equally divided and controlled by the two Leaders or their designees.

Discussion: The question of whether or not debate on the motion to proceed to the consideration of a measure should be limited has at least two different aspects.

First, a linkage could be made with any proposed changes to Senate cloture procedures. The present situation which allows unlimited debate on the motion to proceed and unlimited debate on the underlying measure itself permits a double filibuster to take place. It also represents a duplication of effort for the Senate because precious floor time may be devoted to the same bill on more than one occasion. However, if changes were made to the Senate cloture rule which further restricted debate on the measure itself, would a restriction on debate on the motion to proceed still be necessary? Conversely, if no changes are made to cloture procedures, but debate on the motion to proceed is restricted, would some Senators be encouraged to speak at greater length on the underlying measure?

Second, if debate on the motion to proceed to the consideration of a measure is restricted, should the present categories of business in which the motion is not debatable at all be redefined? The current procedure is to prohibit debate on the motion to proceed to any privileged matter, on a motion made during the Morning Hour, or on a motion to proceed to executive business, but to permit unlimited debate on motions to proceed on all other types of measures. Should the present division by categories of business continue?

PERMANENT PRESIDING OFFICER OF THE SENATE

Issue: Should the Senate create a position for a permanent presiding officer?

Current Rule: The Constitution stipulates that the Vice President of the United States shall serve as the presiding officer of the Senate and further provides that, in his absence, the Senate shall elect a President pro tempore to serve as its presiding officer. In practice, the Vice-President serves as presiding officer only on rare occasions. The President pro tempore, usually a Senator with seniority, does not preside for long periods of time. As a result, the duties of the Chair are most regularly performed by rotating Senators, who preside for about an hour at a time.

Pearson-Ribicoff: Proposes that the Senate create the office of a Deputy President pro tempore. The Senator elected to this post will receive additional compensation and be expected to preside for "most, if not all, of every day's proceeding" should the Vice-President or the President pro tempore be absent. Further proposes that the presiding officer be authorized to determine the presence of a quorum on his or her own initiative, with the expectation that no business would be undertaken in the absence of a quorum. Should a quorum not materialize within a time period specified, the presiding officer would be authorized to recess the Senate to a time certain or to adjourn to the next day.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: The Pearson-Ribicoff Study Group saw the creation of a Deputy President pro tempore as a way of enhancing the standing of the presiding officer within the Senate by having in the Chair a Senator with the procedural experience to provide for more orderly floor proceedings and with the status to command deference from his colleagues. It was hoped that the result would be a reduction in the number of appeals from the rulings of the Chair and an increase in the respect accorded the Chair's authority.

Whether or not the creation of the office of a permanent presiding officer would have this result is dependent upon the answers to two central questions about the assumptions on which the Pearson-Ribicoff recommendations are based. First, does the frequency with which the Senate appeals the ruling of the Chair come from the practice of rotating junior Senators in that position or does it emanate from the wish of Senators to control the proceedings of the chamber by majority vote?

Second, would the Senator elected to the post of Deputy President pro tempore continue to participate in debate and to vote in his capacity as an individual Senator? If so, would that Senator be able to exercise the authority of the Chair in a sufficiently non-partisan manner to gain the deference of all Senators? This would be an especially important consideration should the presiding officer receive the additional authority regarding quorum calls and recessing or adjourning the Senate which was envisioned in the Pearson-Ribicoff recommendations.

In addition, supporters of the present practice of rotating Senators in the Chair have pointed out that it provides junior Senators with the floor experience necessary to strengthen their ability to participate fully in legislative debate. The practice of rotation has also come to mean the presiding oficer relies heavily on the Parliamentarian of the Senate, who sits to the immediate right below the

Chair, and who informs the Chair when it has the duty to speak and advises the Chair of the proper parliamentary response needed. Supporters have argued this reliance on a non-partisan employee of the Senate provides the necessary consistency in the parliamentary rulings of the Chair.

As a final consideration, would granting the presiding officer additional authority regarding quorum calls and recessing or adjourning the Senate have the further consequence of diminishing the stature of the Majority Leader of the Senate, to whom these functions have been delegated by tradition?

PROCEDURE FOR INVOKING CLOTURE

Issue: How difficult should it be to bring Senate consideration of a matter to a close over the opposition of a minority?

Current Rule: The procedure for invoking cloture requires, first, that a Senator file a petition for cloture, signed by sixteen Senators, at a time when the matter either is pending before the Senate or is the unfinished business, and second, that the motion for cloture be adopted, on a roll call vote on the second following calendar day of session, by three-fifths of all Senators (60, if no vacancies exist), unless the matter in question involves a proposal to change Senate rules, in which case the vote required is two-thirds of Senators present and voting (67, if all Senators vote).

Pearson-Ribicoff: Recommends permitting a cloture motion to be filed whether or not the matter in question is then pending before the Senate.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: Recommends changing the majority required for cloture on most matters to two-thirds of Senators present and voting (67, if all Senators vote), and on proposals to change Senate rules, to two-thirds of all Senators (67, if no vacancies exist).

Discussion: From the inception of the cloture rules in 1917 until 1975, two-thirds of Senators present and voting was required to invoke cloture on any matter, except from 1949 to 1959, when two thirds of the entire Senate membership was required. Senator Quayle has observed that in earlier days, on many matters, no cloture motion was filed until debate had proceeded for some days or weeks, whereas in more recent times such a motion has sometimes been filed even as soon as the matter was first before the Senate. Several observers have remarked that in those earlier days, it was common for opponents of a measure not to prolong their oppostion once cloture was invoked.

Senator Quayle suggests that today, "cloture is not only invoked too often, it is invoked too soon," and that if it were harder to invoke, it might be invoked less often, but once invoked, it would be more likely to be respected as reflecting the sense of the Senate that debate should be brought to a close. He has also stated that attempts to invoke cloture should in general be reserved for major policy questions, and should not be resorted to for subsidiary issues or procedural questions.

The Quayle Committee considered, but did not adopt, a recommendation that the majority required to invoke cloture be restored to two-thirds of Senators present and voting for all matters. Senator Byrd's proposals, too, would restore this requirement, but they would also retain the concept of a more stringent requirement for rules changes. Invoking cloture would require two-thirds of Senators present and voting on most matters, but on rules changes it would require two-thirds of Senators chosen and sworn, the majority required for cloture on all matters during the 1950's.

Permitting a cloture motion to be filed on a matter neither pending nor the unfinished business might permit cloture to be invoked on a matter that had not yet been the subject of a motion to proceed to consider. Rule XXII provides that once cloture is invoked on a matter, it becomes the business before the Senate "to the exclusion of all other business until disposed of" (except by unanimous consent). Invoking cloture under such circumstances might have the effect of simultaneously agreeing to a motion to proceed to consider. If such a rule were to be established, it would have to be decided, and specified, whether this or some other course of action would be followed in such a case.

RESOLUTIONS OVER, UNDER THE RULE

Issue: The status of a Senate or concurrent resolution that is placed on the Legislative Calendar after objection to its immediate consideration.

Current rule: Under paragraph 6 of Rule XIV, "[w]hen objection is heard to the immediate consideration of a resolution or motion when it is submitted, it shall be placed on the Calendar under the heading of "Resolutions and Motions over, under the Rule," to be laid before the Senate on the next legislative day when there is no further morning business but before the close of morning business and before the termination of the morning hour."

Pearson-Ribicoff: Recommends that the Senate adjourn instead of recess at the end of the daily session more often than it now does, and that the Senate return to the morning business and morning hour procedures on new legislative days, as stipulated in Rules VII and VIII, including consideration of resolutions coming over, under the rule.

Quayle Committee: No recommendation.

Senator Stevens: Recommends that the Senate abolish the procedures by which resolutions go over, under the rule, and that a resolution be held at the desk for one legislative day and then placed on the Calendar of General Orders if there is objection to a request for its immediate consideration at the time it is submitted.

Senator Byrd: No recommendation.

Discussion: Senator Stevens' recommendation appears predicated on the assumptions (1) that the Senate will continue to recess more often than it adjourns, and (2) that on new legislative days, the Senate often will continue to waive adherence to the procedures and requirements of Rules VII and VIII. Continuation of these practices tends to render ineffective the procedures for resolutions coming over, under the rule. On the other hand, the Pearson-Ribicoff report recommends that these practices be minimized, thereby creating more opportunities for the Senate to consider resolutions coming over, under the rule.

ROLL CALL VOTES

Issue: Are there too many roll call votes demanded, and do they serve to delay the work of the Senate?

Current Rule: The United States Constitution provides that a yea-and-nay vote be taken and recorded when requested and seconded by one-fifth of those Senators present.

Pearson-Ribicoff: The Pearson-Ribicoff Study Group recommends that the number of roll call votes be reduced. Because roll call votes cannot be regulated by Rules changes, it is recommended that the leadership of both parties "prevail upon their respective membership to refuse to participate in seconding roll call votes unless the leadership feels that there should be a roll call vote on a particular subject." The Study Group also recommends that the Chair strictly adhere to the one-fifth requirement.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: Resolutions propose the installation of an electronic voting machine. Upon the agreement of the majority and minority leaders, votes would be recorded on the electronic device, under a fifteen minute time limit. The time allotted for votes which follow immediately could be limited to five minutes.

Discussion: The number of roll call votes in the Senate increased considerably during the 1970s--from 667 in the 91st Congress (1969-1970) to 1,311 in the 94th Congress (1975-1976). However, in 1977 instances of roll call voting began to taper off. In the 98th Congress, 673 roll call votes were taken, the lowest number in fourteen years.

SCHEDULING OF COMMITTEE MEETINGS

Issue:: How can the Senate best schedule committee and floor sessions to occasion the minimum number of time conflicts?

Current Practice: Rule XXVI requires that committee meetings be scheduled during two periods: the first to end at 11 a.m., the second from 11 a.m. to 2:00 p.m. The date, place and subject matter of hearings to be conducted is to be made public at least one week in advance unless good cause for an earlier hearing (Appropriations and Budget are excluded). The Office of the Senate Daily Digest maintains a computerized scheduling system currently available on the Senate's LEGIS System. That schedule of committee meetings is also printed in the Extensions of Remarks section of the Congressional Record every Monday and Wednesday.

Pearson-Ribicoff: The Pearson-Ribicoff Study Group recommends that committees "not meet when the Senate was in session."

Quayle Committee: The Temporary Select Committee to Study the Senate Committee System recommends that when a committee mark-up meeting is announced, the chairman be required to also announce a list of committee members who have other mark-up meetings which are in conflict with the one being announced. Conflicts in committee schedules could be determined by using the existing LEGIS REPORTS computerized scheduling system.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: One criticism of the existing Senate committee system often vocalized by sitting Senators is the daily conflict they face in trying to attend the meetings of the committees to which they are assigned. In the modern Congress, Senators have traditionally served on several Senate panels— in the 84th Congress (1955-1956), for example, each Senator sat on an average of 9.10 standing, select, special and joint committees and their subcommittees. In in 94th Congress when the Stevenson-Brock select committee was studying the Senate committee system, the average number of panels to which Senators were were assigned had risen to 15.57.

With the passage of S. Res. 4 on February 4, 1977, the Senate put into effect recommendations made by the Stevenson-Brock committee to assist Senators by providing readily accessible, advance notice of committee meetings. The Office of the Senate Digest was established to (1) computerize the schedule of committee meetings, and (2) prepare the committee schedule for publication in the Congressional Record each Monday and Wednesday. S. Res. 4 also required committees to notify the Office of the Senate Digest of the time, place, and purpose of scheduled meetings.

This notification system operates currently. Advance schedules of committee meetings are printed, and are available on the Senate LEGIS REPORTS computerized scheduling system.

However, the number of panels to which Senators are assigned has crept up to 11.95 in the 98th Congress, compared to 10.54 following the Stevenson committee reforms, and complaints from some Senators regarding conflicting committee meetings has continued.

SENSE OF THE SENATE AMENDMENTS

Issue: Should the Senate impose a germaneness requirement on "sense of the Senate" and on "sense of the Congress" amendments?

Current Rule: "Sense of the Senate" or "sense of the Congress" amendments are now deemed to be per se germane (except in a post-cloture period) because they do not have the force of law but merely express the opinion of the chamber or of the Congress.

Pearson-Ribicoff: No recommendation.

Quayle Committee: No recommendation.

Senator Stevens: Proposes that "sense of the Senate" or "sense of the Congress" amendments be subject to the same germaneness requirements as does language which would have the force of law if adopted.

Senator Byrd: No recommendation.

Discussion: "Sense of the Senate" and "sense of the Congress" amendments are rhetorical in nature. It is Senator Steven's view that "while such amendments periodically serve a useful purpose, by and large the rhetoric generated does not justify the time invested by the Senate." Imposing a germaneness requirement on such amendments, Senator Stevens felt, will "encourage Senators to offer germane amendments to bills before the Senate and save debate on other (unrelated) issues until the proper time."

Whether or not imposing a germaneness requirement would have this result is dependent on several considerations. "Sense of the Senate" or "sense of the

Congress" amendments provide Senators with several opportunities. First, they state the opinion of the chamber or the Congress in a formal fashion. Second, they may focus public attention on an issue which may not be the subject of any legislative measure. Third, they provide Senators with the ability to cast a policy vote as an advisory opinion or warning to the executive branch. Fourth, they may provide Senators with the opportunity to have a policy vote without immediately requiring accountability for the details of that policy.

To what extent do Senators value these opportunities? If they are viewed as sufficiently useful vehicles, Senators could adhere to germaneness requirements, but still continue to offer "Sense of the Senate" or "Sense of the Congress" amendments on a regular basis. The result of a germaneness requirement, therefore, might well be to place the consideration of such amendments in a germane context, but not to necessarily restrict their number nor to save Senate floor time.

Another aspect of this question is the extent to which Senators need the opportunity to deal with subject matter which does not have a legislative vehicle attached to it for consideration. Imposing a germaneness requirement will curtail those "sense of the Senate" or "sense of the Congress" amendments which may be valued by Senators for the reasons cited above, but for which no legislative vehicle, germane or not, exists.

STAFFED SUBCOMMITTEES

Issue: How should subcommittee staff be allocated and their numbers controlled?

Current Rule: Subcommittees are currently staffed according to the rules and customs of each individual committee; those practices vary from committee to committee.

Pearson-Ribicoff: Pearson-Ribicoff recommends a prohibition against all staffed subcommittees. It further suggests that the work of subcommittees be restricted to "the conduct of hearings, compilation of data, and resumes of proposed legislation."

Quayle Committee: While the Quayle committee makes no specific recommendations regarding staffing of subcommittees, it does recommend that Senate committees be limited to five subcommittees each (except Appropriations) and that individual Senators be limited to serving on two subcommittees of each of their "A" and "B" committees. The select committee estimates this would reduce the number of subcommittees from 110 to 80. Elimination of 30 subcommittees could possibly reduce total subcommittee staff by a corresponding percentage.

Senator Stevens: No recommendation.

Senator Byrd: No recommendation.

Discussion: Both Pearson-Ribicoff and Quayle Committee recommendations stem from criticisms that have been leveled against the Senate committee system: conflicts in committee meetings because of the high number of panels on which each

Senator serves; proliferation of committee and subcommittee staff; spiraling levels of legislative branch appropriations; and duplication of work among committees and subcommittees.

Pearson-Ribicoff would address these criticisms by prohibiting subcommittee staff and reducing the legislative powers of subcommittees. Quayle, on the other hand, would reduce the total number of subcommittees but leave the staff and

and legislative power intact for the 80 subcommittees that would remain in existence. The Congressional Budget Office estimates that elimination of 30 subcommittees could result in a saving of $6.5 million annually after fiscal year 1986.

Some of these same criticisms were a catalyst for the reforms in the Senate committee system in 1977. Pursuant to recommendations of the Stevenson-Brock Committee, the Senate reduced the number of subcommittees of standing committees from 122 to 96. Senators' assignments to subcommittees of standing committees were therefore reduced from an average of 9.69 in the 94th congress to 6.58 in the 95th. However, according to the Congressional Budget Office, the number of subcommittee staff remained about the same in spite of the reduction in panels, and committee expenditures actually increased.

The number of subcommittees has slowly but steadily increased since the 1977 reforms. Subcommittees of standing committees, reduced to 96 in 1977, numbered 102 in the 98th Congress. The mean number of assignments to subcommittees of standing committees, reduced to 6.58 after the Stevenson-Brock reforms, has risen to 7.71.

In 1981, the majority party effected a ten percent reduction in committee budgets. Yet staff has increased from 974 in 1981 to 1,027 in 1983; authorized funds for Senate standing committees rose from $38,707,599 in 1981 to $41,395,917 in 1983.

Some argue that there exists a natural level of committees and subcommittees required to process congressional legislation--if the number of full committees to consider legislative proposals are reduced, the number of subpanels will rise, and vice versa. And with Federal involvement in increasing numbers of issues since World War II, the number of units required to make policy have by necessity risen. A reduction in existing subcommittee structure--either staffing, legislative authority, or numbers—would most likely occur at the expense of junior Senators, as these panels are often the primary resource for information used by junior members in the course of their legislative work.

TELEVISING SENATE PROCEEDINGS

Issue: Should the floor proceedings of the Senate be broadcast for television, and, if so, in part or in full?

Current Rule: No regular broadcast of Senate floor proceedings, television or radio, exists. Current Senate practice is to permit television and radio coverage of committee meetings, and, in 1978, radio transmission of floor proceedings on the Panama Canal Treaties were permitted.

Pearson-Ribicoff: Proposes that debate on major issues (to be selected by the leadership) be televised, but opposes televising the day-to-day legislative business of the Senate. Further proposes that broadcasts take place only when the Senate was meeting all or most of a given week and that broadcasts be limited to one or two a week, not to exceed two or three hours each. The question of radio coverage of floor proceedings, as an alternative to television coverage, is not addressed.

Quayle Committee: No recommendation.

Senator Stevens: No recommendation.

Senator Byrd: Proposes that $2.5 million be authorized to establish television and radio broadcast coverage of Senate floor proceedings on a continuous basis—when the Majority and Minority Leader move to do so by a non-debatable joint motion. Further recommends that the Senate be in session Mondays, Wednesdays, and Thursdays for floor action and that no committee meetings may occur when the Senate is being televised. Also suggests that televised time be divided and controlled in such a way as to assure equal time to both parties, and prohibits the use of broadcast tapes for political or commercial purposes.

Discussion: Proposals for televising floor proceedings of the Senate date from the 1940s; since 1981 and through the final session of the 98th Congress in 1984, this issue has been debated at length on the floor and in the Committee on Rules and Administration.

Implied in the Study Group proposal's opposition to daily gavel-to gavel coverage of Senate floor proceedings, and its advocacy of limited television coverage of only selected issues, is the concern that television would alter "the fundamental and unique nature of the United States Senate." Current Senate floor practices, it was thought, would not lend themselves to the precise and time-sensitive focus of a television camera. Were Senate rules of procedure to be changed to the extent that floor proceedings were expedited, this basic objection to daily television coverage might be reexamined.

Implementing either the Study Group's recommendation that limited weekly coverage of selected issues be permitted or Senator Byrd's recommendation that coverage begin pursuant to the adoption of a joint leadership motion would require consideration of several different questions. First, guidelines concerning the technical conditions—i.e., the control and placement of television cameras—would have to be established, although Senator Byrd's proposal does make at least some specific suggestions. Second, control of debate time between the majority and the minority and time limitation agreements on general debate and debate on amendments to a measure would have to be negotiated with the additional factor of television coverage in mind, and perhaps be complicated thereby. Third, selecting specific issues for television coverage of floor debate might influence the work patterns of individual Senators, to the detriment of committee proceedings and to the detriment of the remaining issues on the Senate's legislative agenda, not chosen for broadcast. In addition, the Byrd proposal prohibiting committee meetings during periods in which Senate floor proceedings are being televised--meant to assure good attendance on the Senate floor for televised proceedings—could also have the effect of severely restricting the time committees have available to them to process their own already heavy legislative agendas. Fourth, the effect of televising proceedings on the nature and length of floor debate cannot be determined precisely in advance and would have to be monitored for its implications to the efficient operation of the Senate. Finally, the Study Group's recommendation for two or three broadcasts per week, limited to two or three hours each, might prove difficult to meet. Debate on major issues chosen might not lend itself well to this precise framework. In addition, during any given week, the leadership might find it difficult to propose appropriate issues for television coverage. If the viewing public had become accustomed to a weekly transmission schedule, the Senate could be vulnerable to charges of inefficiency and unproductivity from an audience not conversant with the sometimes flow of the legislative process.

TIME LIMITATION CALENDAR

Issue: Should the Senate create a new Time Limitation Calendar containing measures which, if and when a motion to proceed to their consideration is adopted, will be subject to restricted debate?

Current Rule: The Standing Rules of the Senate do not provide for a separate calendar of measures to be subject to restricted debate. Rule XXII, however, provides for a set procedure, which includes restrictions on debate, to be followed during floor consideration of a measure after cloture has been invoked.

Short of cloture, the present practice of the Senate is to place restrictions on debate on some measures through the acceptance of a unanimous consent agreement which so provides or through the acceptance of ad hoc unanimous consent requests prior to, or during the consideration of, a measure.

The Senate has also voted to enact certain rule-making statutes, such as the Congressional Budget Act (P.L. 93-344), which impose on the chamber certain expedited procedures governing the consideration of specific pieces of legislation, including the restricting of debate.

Pearson-Ribicoff: No recommendation.

Quayle Committee: No recommendation.

Senator Stevens: Proposes that a new section, to be called the Time Limitation Calendar, be established in the Legislative Calendar of the Senate. A legislative measure will be placed on the Time Limitation Calendar once a Senator files a notice of intent to offer a motion to proceed to its consideration under time limitation. S.Res. 461 stipulates the exact days and time period during which it would be in order to offer a motion to proceed to the consideration of a measure under time limitation. Such a motion would be deemed privileged and non-debatable and would require a yea-nay vote of three-fourths of all Senators present and voting to succeed. Adoption of the motion would have the following results: 1) the measure in question would thereby become the unfinished business of the Senate; 2) debate on each amendment would be restricted to twenty minutes; 3) debate on any motions, points of order, and appeals which might arise during consideration of the measure would be restricted to twenty minutes.

S.Res. 461 further provides that once debate on any legislative measure on the Time Limitation Calendar has exceeded eight hours, any Senator may move to limit debate. Such a motion would be non-debatable and would require a three-fourths vote of all Senators present and voting to succeed. Adoption of this motion would have the following result: 1) further consideration of the measure would be limited to six hours; 2) debate on the bill would be limited to one hour, equally divided; 3) debate on amendments would be restricted to twenty minutes each; 4) debate on any motions, points of order, and appeals would be restricted to twenty minutes.

At the expiration of six hours, the Senate would proceed to vote on final passage without further debate. However, certain motions and amendments which are specified in the proposal, could intervene. During the six hours, any amendments would have to be germane and would be deemed to have been read. No dilatory motions or amendments would be in order. Points of order and appeals would no longer be debatable. No Senator would be able to offer more than one amendment until every Senator had had the opportunity to offer at least one.

Senator Byrd: No recommendation.

Discussion: The intent of the proposal for a motion to proceed to the consideration of a measure under time limitation and an accompanying contingent motion to limit debate is to allow a super-majority of the Senate to begin and to complete consideration of legislative measures despite the objections of a few. Whether or not this proposed reform would achieve that result or go beyond it is in part dependent on its relationship to cloture procedures.

Would this reform be implemented in the absence of, or in conjunction with any proposals to make cloture easier to achieve? The procedures prescribed for restricted debate following a successful cloture vote and the procedures prescribed upon adoption of the motion to proceed to a measure under time limitation are parallel to a large degree.

If the overall goal of cloture is to provide a super-majority of the Senate an avenue with which to force disposition of a measure, albeit cumbersome and difficult to achieve, what would be the overall goal of the motion to proceed to a measure under time limitation? If it is intended to have the same result, are two such procedures necessary?

Conversely, if the goal of this proposal is to provide the Senate with a more flexible and less time-consuming way of beginning and completing consideration of a measure than cloture represents, should the requirement for a super-majority vote exceed that of the required three-fifths vote for cloture? (S.Res. 461 requires a three-fourths vote for the adoption of the motion to proceed to the consideration of a measure under time limitation.) Is making the motion to proceed more difficult to invoke than cloture an appropriate exchange for providing a less cumbersome time limitation procedure?

TREATIES

Issue: The complicated procedures for considering treaties on the Senate floor.

Current rule: Rule XXX provides for a treaty, and amendments thereto, to be considered as in Committee of the Whole, after which the Senate acts on any amendments approved during consideration as in Committee of the Whole, any additional amendments to the treaty, and then the resolution of ratification and any amendments thereto.

Pearson-Ribicoff: No recommendation.

Quayle Committee: No recommendation.

Senator Stevens: Recommends that the Senate abolish the requirement for treaties to be considered as in Committee of the Whole, and that the Senate consider a treaty and then the resolution of ratification in much the same way that it now debates and amends legislation.

Senator Byrd: Recommends changes in Rule XXX that appear to have the same effect as the changes proposed by Senator Stevens—namely, to eliminate the stage of floor consideration at which the Senate debates and amends treaties as in Committee of the Whole.

Discussion: The Senate customarily waives the Committee of the Whole procedures by unanimous consent, although it did follow these procedures during consideration of the two Panama Canal treaties. The Senate also began, but did not complete, action on the Genocide Convention under these procedures during the closing days of the 98th Congress. The procedures do create the possibility of duplicative effort because the same issues could be raised during consideration as in Committee of the Whole and then during consideration by the Senate. The Pearson-Ribicoff reports do not address this subject directly, nor any other relating to treaties or treaty procedures.

UTILIZE EXISTING PROCEDURES

Issue: Can the Senate be made a more efficient legislative body through a more stringent enforcement of existing rules and precedents, and through modest adjustments of existing rules?

Current Rule: The specific provisions of current rules which it is proposed to enforce more uniformly, or it is proposed to modify, are described under each reorganization package.

Pearson-Ribicoff: The following specific proposals are included within the recommendations of the Study Group:

Return to regular usage of Morning Business and Morning Hour; prohibit debate during morning business; use Morning Hour for clearance of routine matters pending on the Calendar to which objection is not made.

Appoint Calendar Committees for both parties to screen bills on Calendar, to determine potential objections to consideration and passage.

Amend existing rules to ban debate when the Calendar is called; if measure cannot pass without objection, it shall be passed over.

Require "resolutions over under the Rule" to be routinely laid before the Senate during Morning Hour so that regular progress can be made on their consideration.

Motion to proceed to consider measure on Calendar to be limited to one hour, equally divided.

Require that Senators not read from prepared remarks, except in special cirumstances, to shorten debate.

Enforce Pastore Rule requiring germane debate during first three hours of debate on pending or unfinished business daily.

Enforce quorum requirements on the Chair's own authority.

Require that at least eleven Senators second demand for yeas-and-nays; possible enforce precedent enlarging seconding number to one-fifth of those recorded present or voting earlier in day.

Quayle Committee: No recommendation.

Senator Stevens: Motion to proceed debate to be limited to two hours, equally divided.

Waive the reading of conference report, if it has been available for 24 hours.

Abolish Committee of the Whole proceeding for consideration of treaties; consider treaties in Executive Session.

Extend Pastore Rules to govern debate on unfinished or pending business throughout the day.

Eliminate "Resolutions Over Under the Rule" procedure, and stipulate that resolutions objected to be placed directly on the Calendar.

Require germaneness of amendment by three-fifths vote, and permit Chair to rule directly on germaneness without debate on appeals.

Senator Byrd: No recommendation.

Discussion: The issues related to generally enforcing the Rules of the Senate are complex, and not entirely related to the merit of an individual rule or practice. The Senate has refrained from enforcing a number of rules systematically (or at all) in the interests of collegiality and of accommodation to the wishes of individual Senators. It is possible that the enforcement of some of the Rules noted above, without commensurate Rules changes limiting the opportunity for dilatory tactics, could result in more protracted debate.

For example, the Senate has often acquiesced to the request for the yeas-and-nays without a sufficient second, in order to accommodate the wishes of a particular Senator that the body go on record on a particular issue. If the Senator were denied a roll-call vote, he may use other tactics to impress upon his collegues the strength of his desire for a roll-call vote.

Similarly, enforcement of the Pastore Rule may seriously inconvenience Senators in arranging their schedules among committee and floor sessions, and other official duties. Lax enforcement of the Pastore Rule permits Senators to speak briefly on issues of concern to them, and then permit the Senate to return to pending business.

Many of these rules, however, need not be enforced by the party leaders. Most could be enforced by a demand from an individual Senator. In opposition to the proposals, it could be suggested that failure of Senators generally to call for their enforcement indicates that Senators value the greater freedom granted them thereby.

CONGRESSIONAL REFORM--SENATE (96TH CONGRESS)

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AUTHOR:

Schneider, Judy

Government Division

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ISSUE DEFINITION

Efforts to secure changes in organization and procedure have been a continuing trend in the history of the Congress. Even in an institution such as the Senate, with a high regard for the role of tradition, organizational and procedural changes have occurred throughout its development. In the 96th Congress, Senate attention was drawn to efforts to improve legislative efficiency, to increase the public accountability of the Senate, and to enhance its institutional stature.

BACKGROUND AND POLICY ANALYSIS

Previous efforts

In many ways, the modern Senate is much like the Senate of the 18th and 19th centuries. Traditions of extended debate and of collegiality in decision-making have remained influential to the present day. In other respects, the Senate has seen fit to modify its practices. In recent years, efforts have been undertaken to modify the seniority system, to open Senate committee meetings to the public, to increase the availability of staff assistance for Members, and to require the disclosure of information about Senators' personal finances. Other efforts have been directed toward reasserting the role of Congress in formulating national policy.

The modern Senate committee system dates from the passage of the Legislative Reorganization Act of 1946, which marked the culmination of efforts by a Joint Committee on the Organization of Congress. Hearings by a second such joint committee in 1965-66 led to the enactment of the 1970 Legislative Reorganization Act, which focused primarily on congressional information and analytic resources, committee staffing, and congressional procedure. The Congressional Budget Act and Impoundment Control Act of 1974 established Senate and House Budget Committees, a Congressional Budget Office, and a process to achieve more coordinated congressional action in fiscal policy making.

Several additional changes were made in Senate committee operations during the 94th Congress. The previous requirement that Senate committee meetings be open to the public was extended to conference committee meetings unless a majority of the House or Senate conferees voted otherwise. Senators who previously had not been able to appoint committee staff were permitted to name staff to aid them with committee business. The Senate Democratic Conference voted to provide that, beginning in 1977, one-fifth of the Democratic Senators could annonymously request a secret vote of the Conference on any prospective committee chairman nominated by the Democratic Steering Committee. Republican committee leaders are chosen by their party colleagues on each committee, subject to Republican Conference approval.

Early in the 95th Congress, the Senate approved a major revision in its committee system. In 1976, a Temporary Select Committee to Study the Senate Committee System had been appointed. Under the leadership of Sen. Adlai Stevenson and co-chairman, Sen. Bill Brock, the committee recommended reorganization and consolidation of the Senate's committees. The committee reforms, as embodied in S.Res. 4 of the 95th Congress, were considered and amended during four days of Senate debate, and were approved by the Senate on Feb. 4, 1977. Among the provisions of S.Res. 4 were:

---reduction in the number of Senate standing committees from 18 to 15;
---adjustments in committee jurisdictions;
---limitations on Senators' committee and subcommittee assignments;
---increased committee staff assistance for minority party members;
---recommendations that duties of joint committees be transferred to Senate standing committees wherever possible;
---establishment of procedures to secure referral of legislation to more than one committee; and
---establishment of a permanent Select Committee on Aging, and of a Select Committee on Indian Affairs for the the 95th Congress.

Subsequent to passage of S.Res. 4, action was taken to abolish the Joint Committee on Defense Production and the Joint Committee on Congressional Operations. The Joint Economic Committee and the Joint Committee on Taxation were retained, as were Joint Committees on the Library and on Printing. At the end of the 95th Congress, the Senate acted to continue the Select Committee on Indian Affairs for an additional two years (See IB76055).

The Senate acted to implement additional provisions of its committee reform resolution during the 96th Congress. Additional committee and subcommittee assignment limitations became effective with the start of the new Congress. Some Senators were forced to relinquish committee assignments they held in preceeding Congresses. By 1979, the Senate also came half-way (from a 1977 base) toward achieving a one-third minority party committee staffing ratio.

Delay of business on the Senate floor remained an issue of continuing concern. Changes in the cloture rule (Rule XXII) by which debate on the Senate floor is terminated have been suggested for several years. In 1975, the Senate revised its rule to permit cloture if three-fifths of its Members vote to bring debate on legislation to a close; previously, the support of two-thirds of the Senators present and voting had been necessary. In the 94th Congress, a record number of 14 successful cloture votes were taken. During the 95th Congress, opponents of measures delayed Senate business for substantial periods of time even after cloture was invoked. A resolution (S.Res. 9, 1977) to eliminate or to reduce the impact of these "post-cloture filibusters" failed to gain passage after four days of Senate debate. In October 1977, a series of parliamentary rulings by the Vice President, sustained by the Senate, partially limited the impact of post-cloture filibusters. Additional efforts to modify the Senate cloture rule were begun in the 96th Congress.

During the 95th Congress, several proposals were considered to revise the administrative operations of the Senate. At the end of 1976, the Commission on the Operation of the Senate, appointed the previous year, issued its final report. The Commission recommended the appointment of an Administrator of the Senate responsible for routine management functions; the reallocation of space for Senators, committees, and administrative units; more efficient use of time through early organizational meetings, computerized scheduling of committee meetings and designation of days exclusively for committee or floor business; experimentation with broadcasting of floor proceedings; and public financial disclosure for Senators and key administrative staff.

A resolution (S.Res. 166, 1977) embodying most of the Commission's recommendations was considered in committee, but not reported to the full Senate. Some of the Commission's recommendations were implemented, however. Computerized scheduling of committee meetings began during the 95th Congress and Senate debates on the Panama Canal treaties were broadcast by public radio.

The Senate also acted in the 95th Congress to increase accountability of Senators for their personal finances. S.Res. 110, adopted Apr. 1, 1977, established a more comprehensive financial disclosure requirement for Senators and senior staff, proscribed the receipt of gifts valued in excess of $100 from foreign nationals or from persons with a direct interest in legislation, limited most sources of Senators' outside earned income to no more than 15% of their Senate salaries, limited the use of the congressional frank, prohibited foreign travel by "lame duck" Senators, prohibited the establishment of unofficial office accounts, and added language to the Senate rules prohibiting discrimination in the hiring and promotion of staff. Enforcement and oversight responsibilities for the Code of Conduct were assigned to the Select Committee on Ethics. Some modifications in the code were subsequently adopted by the Senate, and many of the Code's provisions (especially the financial disclosure requirements) were subsequently incorporated into the Ethics in Government Act, P.L. 95-521, which was signed into law on Oct. 26, 1978. (See IB77053: Congressional Ethics and IB75029: Financial Disclosure).

Proposals were also made to enhance the non-discrimination portion of the ethics code by establishing a Senate Fair Employment Relations Board to receive and screen complaints, and to offer appropriate remedies. No final action was taken on the proposal during the 95th Congress.

96th Congress

On Jan. 15, 1979, Sen. Robert C. Byrd introduced S.Res. 9, a proposal to expedite Senate consideration of legislation. The resolution, as introduced, contained the following provisions:

a. offering of non-debatable motions to approve or correct the Journal would be permitted;
b. debate on motions to proceed to consider a particular bill would be limited to 30 minutes;
c. demands for the reading of an amendment would not be in order if copies of the amendment were available in printed form;
d. the offering of non-debatable motions requiring three-fifths vote to enforce rule of germaneness on future amendments to a bill would be allowed;
e. post-cloture debate time would be limited to 100 hours, with time for quorum calls, votes, and parliamentary rulings and appeals counted against the 100 hours;
f. post-cloture debate time could be extended or reduced, but not below ten hours, by a three-fifths vote of the full Senate;

g. after Sept. 1 of each year, a cloture motion could be brought to a vote the same day as introduced, after a maximum of five hours of debate;

h. the demand to read a conference report in full could not be entertained, if printed copies of the report were available;

i. "three-day rule" for availability of committee reports would be changed to a "two-day rule," with Saturdays, Sundays, and holidays included; and

j. the Committee on Rules and Administration would be directed to provide for the installation of an electronic voting system in the Senate.

The respective party leaderships appointed committees to study the Byrd resolution and to report their recommendations to the party conferences. The Republican committee was chaired by Sen. Ted Stevens and the Democratic committee was chaired by Sen. Gaylord Nelson. The committees met individually and jointly with the party leaders in an effort to devise an acceptable compromise.

On Feb. 7, 1979, the Senate agreed to a unanimous consent request by Sen. Robert C. Byrd to limit consideration only to those portions of his resolution dealing with post-cloture regulations. An alternate resolution, S.Res. 61, embodying points (e) and (f) above, was made in order for purposes of amendment. Under terms of the agreement, S.Res. 61 became the pending order of business. If a final vote on the disposition of the new resolution did not occur by 6 p.m. on Feb. 22, 1979, the original language of S.Res. 9 would again become the pending business before the Senate.

During its consideration of S.Res. 9 and S.Res. 61, the Senate recessed rather than adjourned at the end of each day's session. This was done to maintain the procedural fiction that the Senate was still in its first day of business. It has been maintained that the Senate is not bound by rules adopted by the Senate in previous Congresses, and that a majority of Senators can vote to end debate on rules changes on the first day of a new Congress. This ruling was temporarily upheld by the Senate in 1975, but later was overturned as part of the cloture rule reform compromise of that year. However, continuation of the Senate in its first legislative day maintained the possibility that this contention could have been used to end prolonged debate on cloture rule reform this year.

On Feb. 22, 1979, the Senate agreed to S.Res. 61 by a vote of 78-16. As finally approved, the resolution establishes a cap of 100 hours of consideration once cloture has been invoked on a measure. At the expiration of the time limit, the Senate would proceed to the final disposition of the measure; no amendments then not pending would be in order. A motion to table, a motion to reconsider, and motions necessary to establish a quorum would be in order, however. The Senate may, by a three-fifths vote, increase the amount of post-cloture time, with the additional time to be equally divided and controlled by the Majority and Minority Leaders, or their designees.

Under the resolution, each Senator is entitled to one hour of time. Senators may yield their time to the majority or minority floor managers of the bill, or to the Majority or Minority Leaders. None of the designated four Senators may have more than two additional hours yielded to him or her. These Senators, in turn, may yield their time to other Senators so requesting. If all available time expires, a Senator who has not yielded time and who has not yet spoken on the matter on which cloture has been invoked, may be recognized for ten minutes for the sole purpose of debate.

The resolution provides that no Senator shall call up more than two amendments until every other Senator has had the opportunity to call up two amendments. The Chair is directed to recognize Senators who have not called up two amendments, and who wish to do so, in preference to a Senator seeking recognition to call up a third amendment.

After cloture is invoked, the resolution stipulates that the reading of the Journal shall be dispensed with and that the Journal shall be approved automatically for the duration of post-cloture consideration of a measure. Similarly, after cloture is invoked, the reading of amendments available in printed form will be dispensed with routinely.

The former cloture rule made in order amendments introduced prior to the completion of the cloture vote. S.Res. 61 would make in order first degree amendments (amendments to a bill) submitted by 1 p.m. of the day following submission of a cloture motion; second degree amendments (amendments to amendments) would be in order if submitted in writing one hour prior to the cloture vote.

After the Senate passed S.Res. 61, it agreed to place S.Res. 9 on the Senate Calendar. The Senate also adjourned, thus completing the first legislative day of the 96th Congress. As Sen. Byrd explained, this action would guarantee that if the Senate resumed consideration of S.Res. 9, a two-thirds vote would be required to invoke cloture on the measure.

On Mar. 8, 1979, the Senate adopted S.Res. 93, postponing from Jan. 1, 1979, until Jan. 1, 1983, the effective date for limitations on the outside earned income of Senators and certain senior Senate staff members. The limit on earned income (15% of a Senator's or staffer's salary) was adopted in 1977 as part of the Senate's Code of Official Conduct. S.Res. 93 was introduced on Mar. 7, 1979, and was made the pending order of business by unanimous consent. There was no roll-call vote on final passage. Senators are still limited by statute to honoraria fees of $2,000 per appearance, and a total of $25,000 per annum from such fees.

On Oct. 31, 1979, the Senate adopted S.Res. 271 which eliminated certain congressional class requirements for membership on the Select Committee on Ethics.

On Nov. 14, 1979, the Senate adopted S.Res. 274, Revised Standing Rules of the Senate.

On Dec. 13, 1979, the Committee on Rules and Administration reported S.Res. 281 and S. 2018, a package to revise committee funding procedures by requiring all standing committees to submit one comprehensive funding resolution to incorporate all operating expenses for the year. The resolution, which becomes effective in the 97th Congress, passed the Senate Mar. 11, 1980, by voice vote.

On Dec. 11, 1980, the Seante passed S.Res. 448, as amended, which extended the life of the Select Committee on Indian Affairs until 1984.

LEGISLATION

S.Res. 9 (Byrd of W.Va.)
Amends various Standing Rules of the Senate. Introduced Jan. 15, 1979. Motion entered Jan. 15, 1979, to proceed to consideration of the resolution. Displaced by S.Res. 61 Feb. 7, 1979. Placed on Senate Calendar Feb. 22, 1979.

S.Res. 61 (Byrd of W.Va.)
Amends Senate cloture rule (Rule XXII). Introduced Feb. 7, 1979. Considered under provisions of unanimous consent agreement adopted Feb. 7, 1979. Passed by the Senate, as amended, Feb. 22, 1979.

S.Res. 93 (Stevens and Moynihan)
Amends Senate Rules relating to outside earned income limitations to delay the effective date until Jan. 1, 1983. Introduced Mar. 7, 1979. The measure passed the Senate Mar. 8, 1979.

S.Res. 101 (Byrd of W. Va.)

Amends Rule XXV of the Standing Rules of the Senate to increase to 12 (formerly 10) the members on the Senate Special Committee on Aging. Introduced and adopted Mar. 13, 1979.

S.Res. 119 (Proxmire et al.)

Amends S.Res. 112, 92d Congress, to eliminate certain restrictions and conditions on the appointment of female pages in the Senate. Introduced Mar. 28, 1979, and adopted May 14, 1979.

S.Res. 271 (Byrd of W.Va. and Baker)

Amends S.Res. 338, 88th Congress, to eliminate certain requirements for membership on the Select Committee on Ethics. Passed Senate Oct. 31, 1979.

S.Res. 274 (Pell)

Revises and modernizes the Standing Rules of the Senate without substantive changes in Senate procedure and to incorporate other rules of the Senate. Passed Senate Nov. 14, 1979.

S.Res. 281 (Pell)
Revises committee funding procedures. Passed Senate Mar. 11, 1980.

S.Res. 389 (Byrd of W.Va.)

Amends the Senate Rules by consolidating existing rules and renumbering. Passed Senate Mar. 25, 1980.

S.Res. 448 (Melcher et al.)

Makes the Select Committee on Indian Affairs a permanent committee of the Senate. Introduced May 22, 1980; referred to Committee on Rules and Administration. Hearings held June 25, 1980, and Sept. 11, 1980. Reported Sept. 11, 1980. Passed Senate Dec. 11, 1980.

REPORTS AND CONGRESSIONAL DOCUMENTS

Committee on Indian Affairs. Congressional record [daily ed.] v. 126, Dec. 11, 1980: S16257-S16260.

Consolidation of Senate Rules. Congressional record [daily ed.] v. 126, Mar. 25, 1980: S2942-S2943.

Senate Resolution 9 (introduction and discussion). Congressional record [daily ed.] v. 125, Jan. 15, 1979: S9-S14.

Senate Resolution 61 --- Post-Cloture Procedures under Rule XXII. Congressional record [daily edition] v. 125, Feb. 26, 1979: S 1786.

Senate Resolution 274 --- Revised Standing Rules of the Senate. Congressional record [daily ed.] v. 125, Nov. 7, 1979: S16120-S16134; Nov. 14, 1979: S16581-S16584, S16587-S16602.

Standing Rules of the Senate. Mar. 25, 1980. (96th Congress, 2d session. Senate. Document no. 96-46)

Unanimous-Consent Agreement --- Proposed Amendment of Standing Rules of the Senate. Congressional record [daily ed.] v. 125, Feb. 7, 1979: S1234-S1235.

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U.S. Congress. Senate. Committee on Rules and Administration. Standing rules for conducting business in the United States Senate. Dec. 10, 1979.

CHRONOLOGY OF EVENTS

12/16/80 — 96th Congress adjourned sine die.

12/11/80 — Senate passed S.Res. 448, which extended the life of the Select Committee on Indian Affairs until 1984.

12/02/80 — Senate Republican Conference held organizational meetings for 97th Congress and elected their leaders.

09/11/80 — Committee on Rules and Administration reported S.Res. 448, to reconstitute the Select Committee on Indian Affairs as a standing committee, with amendments.

06/25/80 — Committee on Rules and Administration held hearings on S.Res. 448, to reconstitute the Select Committee on Indian Affairs as a standing committee.

03/25/80 — Senate passed S.Res. 389 by 96-0 vote.

03/11/80 — Senate passed S.Res. 281 without recorded vote.

11/14/79 -- Senate passed S.Res. 274 without recorded vote.

10/31/79 -- Senate passed S.Res. 271 without recorded vote.

05/14/79 -- Senate passed S.Res. 119 without recorded vote.

03/13/79 -- Senate passed S.Res. 101 without recorded vote.

03/08/79 -- Senate passed S.Res. 93 without recorded vote.

03/07/79 -- S.Res. 93, delaying effective date of Senate earned income limitation until 1983, introduced and made pending order of Senate business.

02/22/79 -- Senate passed S.Res. 61, amended, by vote of 78-16.

02/07/79 -- Unanimous consent agreement adopted. S.Res. 61, dealing with post-cloture procedural changes, made pending order of business until Feb. 22, 1979. S.Res. 9 laid aside pending action on S.Res. 61.

01/15/79 -- S.Res. 9, to amend the Standing Rules of the Senate, introduced.

01/15/79 -- 96th Congress convened.

10/26/78 -- President Carter signed into law the Ethics in Government Act of 1978, P.L. 95-521.

10/15/78 -- 95th Congress adjourned sine die.

02/08/78 -- Pursuant to Senate resolution, National Public Radio began broadcasting Senate debate on the proposed Panama Canal treaties.

10/03/77 -- Series of rulings by the Vice President, sustained by the Senate, limiting the use of certain dilatory tactics once cloture had been invoked.

05/12/77 -- Last day of Senate debate on S.Res. 5, upon which the Senate came to no final resolution.

05/10/77 -- Senate approved S.Res. 110, the Senate Code of Official Conduct.

05/09/77 -- Senate began consideration of S.Res. 5, to amend Senate rules to limit the use of dilatory tactics once cloture had been invoked.

02/04/77 -- Senate adopted S.Res. 4, Committee System Reorganization amendments.

01/25/77 -- S.Res. 4 reported from Committee on Rules and Administration with an amendment in the nature of a substitute.

01/04/77 -- 95th Congress convenes; S.Res. 4, Committee

System Reorganization Amendments, introduced and referred to committee.

12/31/76 — Commission on the Operation of the Senate issues final report, "Toward a Modern Senate."

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Kaiser, Robert G. Frustrated Byrd moves to stifle delaying tactics. Washington post, Jan. 14, 1979: A19.

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SENATE CHANGES IN THE 97TH CONGRESS

(ARCHIVED--01/17/83)

ISSUE BRIEF NUMBER IB81043

AUTHOR:

Richard S. Beth

Government Division

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ISSUE DEFINITION

In recent years, the Senate has made or considered significant changes in its internal organization and procedure, including its committee jurisdictions and operations. the budget process, ethics, and cloture and germaneness. Among the proposals receiving the most attention in the 97th Senate were the broadcast of Senate proceedings, innovations in the budget process, changes in franking regulations, and revision of the ethics code.

This issue brief does not cover changes resulting from the sum of individual actions or from historical trends, but only those arising from institutional action. Proponents of such changes often refer to them as "reforms."

BACKGROUND AND POLICY ANALYSIS

Background

Three major enactments before 1975 shaped the context of recent proposals for Senate change. The Legislative Reorganization Act of 1946 created the basic structure of committee jurisdictions that, with modifications, exists today. The Legislative Reorganization Act of 1970 modified committee and floor procedure and strengthened congressional policy information resources. The Congressional Budget and Impoundment Control Act of 1974 established the present congressional budget process, the House and Senate Budget Committees, and the Congressional Budget Office. These major enactments were accompanied by more gradual change in such matters as the cloture rule, the arrangement of floor proceedings by unanimous consent, and the seniority principle in committee assignments.

Significant developments since these major enactments include:

(1) In 1975, the Senate reduced the number of votes required to invoke cloture in most cases from two-thirds of Senators voting to three-fifths of all Senators.

(2) In 1976, the final report of the Commission on the Operation of the Senate, or Culver Commission, comprising nine private citizens, proposed a wide range of changes in the Senate's administrative structure.

(3) In 1977, S.Res. 4, based on the recommendations of the Temporary Select Committee to Study the Senate Committee System (Stevenson Committee), made important modifications in committee structure, jurisdictions, assigmment limitations, and procedure.

During the 96th Congress, the Senate adopted additional restrictions on post-cloture debate, consolidated funding for committee staff, and recodified Senate Rules to incorporate pertinent provisions of Re[illegible]anization Acts, S.Res. 4, and the Code of Ethics (see S.Rept. 97-55, p. 1[illegible]

During the 97th Congress, the possible Senate change receiving the most extensive committee and floor consideration was that of providing for radio and television broadcasting of Senate floor proceedings. Other prominently discussed topics included revisions in the Senate code of ethics, more thorough congressional oversight of administrative agencies, and changes in the congressional budget process. No such questions received definitive disposition during the 97th Congress, except that a broad revision of regulations for Senate franked mail was enacted.

Procedures: Broadcasting

S.Res. 20, to provide for radio and television broadcast of Senate proceedings, was introduced by Majority Leader Baker on Jan. 6, 1981, and reported from the Rules and Administration Committee on Aug. 13, 1981 (S.Rept. 97-178; see also S.Rept. 97-155, p. 15-16). As reported, the measure simply directed the Rules Committee to provide for broadcasts; the report contemplated a system similar to that operated by the House since 1979, with video and audio signals produced under the control of the Senate and made available to broadcasters, gavel-to-gavel coverage except during closed door sessions, and cameras showing only the Senator speaking and the presiding officer. Six cameras, remotely controlled, would be used; lighting levels in the chamber would have to be increased, but no new fixtures would have to be installed.

The Senate had already taken several steps toward possible television coverage. The Culver Commission (see Background) recommended such coverage on an experimental basis, the Panama Canal treaty debate was carried on public radio, televising the SALT II debate was proposed, and there has been an audio feed from the floor to Senate offices since 1978.

Senator Baker's motion of Feb. 2, 1982, to proceed to consider S.Res. 20 was agreed to, 92-3, on Feb. 4. Debate continued intermittently until cloture was sought unsuccessfully in mid-April. By that time several Senators had expressed reservations about allowing the Rules Committee alone to establish procedures for the broadcasts. Some suggested that the minority would be better protected if coverage operated only when unanimous consent could be obtained, or when the joint leadership agreed to it. Others raised the question whether accommodating Senate proceedings to television would require such changes in Senate Rules and practices that would detract from the deliberative and consensual manner of operation considered traditionally characteristic of the Senate. Ultimately, agreement was reached to make the authority provided by S.Res. 20 effective only upon the Senate's adoption of a resolution embodying the regulations, and any changes in Rules, necessary to implement such broadcasts. On Apr. 21, Senator Baker's amendment embodying this agreement was agreed to by 95-1, and the resolution was then agreed to by voice vote.

The Rules and Administration Committee held hearings on the implementation resolution on May 19 and 25, 1982. Some witnesses at these hearings raised doubts about gavel-to-gavel coverage and about Senate control of the cameras. Others voiced support for radio broadcast only, but the Committee defeated an amendment for that purpose by 7 to 5, as it had a similar amendment to S.Res. 20. Another amendment, to postpone implementation until after the Pearson-Ribicoff Study group reports (see Procedures: General), was defeated by the same margin.

The Committee reported S.Res. 436, the implementation resolution, on July 27, 1982; but it received no floor action. The system it proposed was essentially the same as that outlined in the report on S.Res. 20. The report on S.Res. 436 (S.Rept. 97-506) stated that the advent of television would not necessitate changes in Senate Rules. S.Res. 436 would prohibit re-use of the broadcast signal for political or commercial purposes, as distinct from news or information purposes. Broadcast would begin after a test period, during which the signal would be provided only to the Senate cable system, and which would end when the Majority and Minority Leaders and the Chair and Ranking Minority Member of the Rules and Administration Committee so agreed. $3.5 million was authorized to install the system, including an improved sound system for the Chamber; annual operating costs, including archiving of tapes, were estimated at $0.8 million.

The proposal for archiving of videotapes was one respect in which the projected Senate system differed from the existing House system. The House keeps tapes for 60 days, then re-uses them; the Senate proposal was that the Library of Congress retain them permanently for historical purposes. Another difference indicated by the report on S.Res. 436 was that the rostrum would be shown during roll calls, rather than a running tally as in the House system.

Like the proposed Senate system, the House prohibits political or commercial re-use of videotapes of floor sessions. However, there has always been some uncertainty about how such a prohibition could be enforced, especially against non-Members. Proposals to copyright the video signal, or to prohibit taping or rebroadcast, could raise not only problems of enforcement, but also First Amendment questions. In at least one 1982 House campaign, a Member's opponent made use of taped excerpts of House floor debate in campaign advertising.

Questions of cost were one focus of the floor debate on S.Res. 20; some opponents of broadcasting asserted that the initial cost of the system would be nearer $5 million than the $3.5 million to be authorized. Some pointed out that it would be less expensive to provide radio coverage only or to let networks cover what they choose with their own cameras. Proponents of television responded that no room remains on the radio broadcast spectrum for gavel-to-gavel coverage, while cable TV still provides such opportunities. C-SPAN, the cable network that carries House floor proceedings, was at first on the air only 8 hours per day, but has now inaugurated round-the-clock broadcasting. On days when video from both chambers was available, it would probably carry each in turn by delay, until it could add a planned second channel.

Proponents described the annual cost of Senate TV as one-fifth that of Senatorial newsletters today (see Ethics), and as equivalent to no more than 600 pages of the Record. They argued that people's need for direct information about government is greater today because Government has come to affect their lives more deeply, and that the Record does not meet this need because many can no longer afford it. A survey taken before the broadcast day was extended showed that 900,000 homes watched C-SPAN at least monthly. On the other hand, certain cable TV systems have dropped C-SPAN from their offerings because of its cost to them.

The potential effects of television on the Senate were another issue raised during debate on S.Res. 20. The argument was made that televised debate, by reducing the Senate's detachment from pressures of the moment, might impair the Senate's capacity for reflective deliberation and Senators' willingness to maintain unpopular positions and to accept compromises. The fear was also expressed that television would diminish spontaneity of debate and encourage longer, more frequent speeches, rather than insertions in the Record; opponents noted that "one-minute" speeches in the House had doubled since televised debate began there. They also noted that time spent per measure was greater in the first year of House TV than in the previous year; proponents responded that the same pattern differentiates each first session from the previous second session. Opponents feared that television's emphasis on the brief and dramatic would foster less coherent debate; proponents said that television could encourage shorter, better delivered speeches, and that the purpose of Senate TV would be as a record, not as entertainment, news, or reporting. Differing views were heard on whether television would tend to reveal for what it was debate calculated only for political effect, or would have a capacity to deceive as well as inform.

The question of whether television would necessitate changes in Senate procedures and practices represents another aspect of this issue. Opponents suggested that current practices were liable to be misunderstood by the public, and might therefore have to be altered if broadcast began, perhaps including (1) limitations on debate and on quorum calls, (2) closer timing and management of floor events, (3) time agreements constructed to accommodate prime broadcast time, (4) separate days for floor and committee session, and (5) electronic voting. Some proposed to deal with such matters by providing that procedural activities, such as quorum calls, be excluded from coverage. Proponents of broadcasting doubted that any such changes would be necessary, and argued that broadcast itself might be the most effective way of reducing public misunderstandings. They noted that many listeners had been favorably impressed by what they heard of the Senate during the Panama Canal treaty debate. A related question was whether the printed or the videotaped record would be more authoritative as an indication of legislative intent, and whether Senators would be allowed to edit videotapes for any purpose. Here, too, proponents saw little need for change from existing practice.

Procedures: Ethics

In 1977, the Senate adopted (S.Res. 110) a Code of Official Conduct, including rules for Senate financial disclosure, official travel, and use of the frank, on all of which the Culver Commission (see Background) had recommended action; the Senate later made its disclosure requirements those of the 1978 Ethics in Government Act (see archived IB79012, Financial Disclosure). In 1980, S.Res. 109 directed the Ethics Committee to conider revisions in the Code of Ethics. The Committee met on this matter from Nov. 1980 through Apr. 1981, considering (1) revisions in the financial disclosure requirements, (2) separation of investigation from adjudication of possible Code violations, (3) replacing or supplementing enforceable prohibitions of specified acts with a code of clear but general guidelines, and (4) restricting legislative enforcement to acts both involving representational fitness and casting discredit upon the institution, leaving other matters to the Courts or the voters. (See IB81039, Congressional Ethics: 97th Congress.)

The Code of Conduct established by S.Res. 110 also included a limitation of outside earned income to 15% of salary, but the Senate postponed the effective date of this provision (Rule XXXVI, paragraph 1) until Jan. 1, 1983. Then in 1981, P.L. 97-51 abolished the statutory limit of $25,000 in 2 U.S.C. 441i(a), so that no limitation applicable to the Senate remained. On Dec. 14, 1982, the Senate repealed Rule XXXVI altogether by adopting S.Res. 512 (S.Rept. 97-679) on a vote of 54 to 38.

In the FY83 continuing appropriations measure, H.J.Res. 631 (P.L. 97-377), the House included a provision extending its own limit on outside earned income (30% of salary) to the Senate; but this provision was dropped in conference. Language remained in the measure, and was enacted, giving the House, but not the Senate, a 15% pay increase (see IB77048, Congressional Pay). for Senate franked mail, including requiring that franked matter must be

In 1981, P.L. 97-69 (S. 1224) made several changes in the regulations paid for with public funds and prohibiting franked mass mailings to voters who are constituents only of some other office. It prohibited franked mass mailings within 60 days before an election, rather than 28 days as previously (the Ethics Committee has considered a 90-day period). It also allowed the Senate Rules and Administration Committee to set regulations permitting Senators to send franked mass mail without individual addressing; House Members were already permitted six such district-wide mailings annually.

After hearing that permitting Senators four such statewide mailings annually could cost $89 million, the Committee decided on Feb. 26, 1982, to postpone implementing this authority. For 1982, the cost of Senators' mass mailings was estimated at $31 million. Proponents of mass mail, however, held that cost increases could be controlled by appropriate limits on stationery.

On Sept. 2, 1982, the Federal District Court for the District of Columbia dismissed a suit, brought by Common Cause in 1974, challenging the congressional franking privilege as an unconstitutional advantage to incumbents in campaigning. The Court said that the perquisite was adequately regulated; an appeal to the Supreme Court was expected.

Procedures: Cloture and Germaneness

In 1975, the Senate cloture rule (Rule XXII, paragraph 2) was changed to provide that debate may be limited by a vote of three-fifths of all Senators (60, if no vacancies exist), except on rules changes, when support by two-thirds of Senators voting is required (67, if all Senators vote). The rule requires that a cloture motion is to be signed by 16 Senators, then voted on two calendar days later; if cloture is invoked, each Senator is thereafter limited to one hour of debate, only amendments filed before the cloture vote may be called up, and non-germane amendments and dilatory motions are prohibited.

In 1979, the Senate adopted S.Res. 61, which added to Rule XXII several new restrictions on debate after cloture. It limits total post-cloture consideration to 100 hours, allows floor leaders and managers to be yielded control of two hours each, guarantees each Senator 10 minutes for actual debate, tightens deadlines for the submission of amendments that can be called up after cloture, and prohibits a Senator calling up more than two amendments before all Senators have a chance to call up two. These restrictions were intended to inhibit "post-cloture filibusters" carried on by calling up numerous amendments.

Senate Rules require germaneness in amendments only on general appropriation bills (Rule XVI) and budget measures, by unanimous consent, or under cloture. In the first case, in practice the point of order that an amendment is not germane is often decided by vote of the Senate. However, on May 27, 1982, when the Senate had voted cloture on H.R. 5922, making urgent supplemental appropriations, it then voted, 63-27, to suspend the rules so as to allow consideration of an amendment by Senator Lugar to provide aid for home mortgages. Suspension of the rules requires two-thirds of those voting, and had never before been ordered for such a purpose under cloture. The action was agreed on as preferable to having the Senate vote on the germaneness of such an amendment under cloture.

On Jan. 5, 1981, Minority Leader Byrd introduced S.Res. 16, to provide that a motion to prohibit non-germane amendments to a given bill be in order twice a calendar day. Such a motion was to be debatable for one hour and require a three-fifths vote. He and others had offered similar proposals in the 94th and subsequent Congresses, after the Senate invoked cloture on three bills in the 93d Congress primarily in order to prevent non-germane riders, rather than to limit debate.

Procedures: Budget

A procedural issue related to the budget process was raised by the inclusion of non-budgetary provisions in the 1981 reconciliation bill (P.L. 97-35), as reported. Since such bills are considered under a time limit, this practice allows program changes to be debated under restrictions otherwise obtainable only by unanimous consent or cloture. To exempt such provisions from the time limit would make the limit ineffective; to permit the Budget Committee to omit such provisions in assembling the bill would give it new discretionary power; to prohibit nongermane provisions in reconciliation bills would be an unusual limitation on the Senate's flexibility. One proposal was to provide for a point of order to be raised against such provisions on the floor.

In December, 1981, P.L. 97-108 was enacted (see LEGISLATION), requiring the Congressional Budget Office, beginning for FY83, to estimate the cost of State and local compliance with fiscally significant legislation reported by congressional committees.

Proposed changes in the congressional budget process through amendment of the Budget Act (see Background) included setting binding budgetary ceilings in the first (May) budget resolution, establishing a two-year budget cycle, and including off-budget spending and tax expenditures in the budget process. Such proposals, together with those for a constitutional amendment requiring a balanced budget, are discussed in more detail in IB81180, The Budget Process in Congress: Recent and Proposed Changes, and IB81056, Balanced Budget and Spending Limitations: Proposed Constitutional Amendments in the 97th Congress.

Procedures: General

On May 11, 1982, the Senate agreed to S.Res. 392 (Mathias), establishing a Study Group within the Senate Rules and Administration Committee, to report by June 1, 1983, on what revisions of Senate practices might facilitate debate of major national policy issues. The Study Group, composed of former Senators James Pearson and Abraham Ribicoff, was likely to consider such questions as the time required for resolving procedural matters and the possible impact that the broadcast of debate might have on Senate proceedings (see Procedures: Broadcasting).

During debate on S.Res. 20 (see Procedures: Broadcasting), the Senate voted against an amendment, offered by Senator Randolph, to require Senators to vote from their desks. Other Senators suggested stricter limitations on unprinted amendments, on the grounds that such amendments make it harder for Senators to know what they are voting on. It was argued in response, however, that such amendments usefully allow legislation to respond to the development of thought on the floor.

During the 97th Congress, the Rules and Administration Committee established an on-line computerized file of Senate precedents since June 30, 1980. This file also included the Standing Rules of the Senate, and Standing Orders, resolutions, and provisions of law, relating to Senate operations and procedures were being added to it.

Majority Leader Baker strove for regularity in Senate scheduling; for example, by restricting most evening sessions to Thursdays, except at the end of the year's session.

Committees: Procedure

The 1970 Reorganization Act provided that Senate committee hearings be open to the public unless the committee voted otherwise (to protect national security, confidential information, or individual reputations). In 1975, the Senate extended the same principle to markups and conferences. In 1977, S.Res. 4 (see Background) allowed committees to meet for the first two hours of floor session daily, or until 2 p.m., if earlier. It also provided (Rule XVII) for multiple referral of legislation by leadership motion, rather than only by unanimous consent as before.

During the 97th Congress, some Senators advocated requiring the presence of at least one Senator at committee and subcommittee hearings.

Also during the 97th Congress, a resolution (S.Res. 397) was introduced that proposed to specify, as part of Senate Rules, primary and concurrent jurisdictions over nominations for Secretary and Deputy Secretary of Commerce. No specifications of this kind were previously included in Senate Rules.

Committees: Oversight

The 1970 Reorganization Act mandated biennial reports by each committee of its oversight activities; in 1977, S.Res. 4 (see Background) added specific oversight responsibilities for various committees to Rule XXV. In the 97th Congress, the Senate passed S. 1080 (Laxalt et al.), containing provisions for general statutory authority for congressional veto of administrative regulations. In the House, neither this measure nor a companion bill, H.R. 746 (Danielson et al.), was reported from committee. Also in the House, a Rules subcommittee held hearings on "sunset" proposals, under which programs must receive periodic reauthorization or be terminated (see IB81137, Regulatory Reform in the 97th Congress; IB81066, House of Representatives Organization and Operations: Changes in the 97th Congress, and archived IB76049, Sunset Laws: Establishing Systematic Oversight Procedure).

Committees: Assignments

A series of decisions during the 1970s relaxed the seniority principle. In the 92d Congress, Republicans limited a Senator's service as their committee leader to one standing committee; in the 93d, they allowed their membership on each committee to select its own leader, subject to conference approval. In the 92d Congress, Democrats began to require caucus approval of committee assignments; in the 94th, they allowed one-fifth of caucus members to require a ballot on any of their committee leaders. They have also given one major committee assignment to each Senator before any receives a second. In 1977, S.Res. 4 (see Background) encouraged both parties to distribute subcommittee assignments by the same principle.

S.Res. 4 also limited committee assignments, to reduce Senators' schedule conflicts and workload. Under Rule XXV, paragraph 4, each Senator may serve on only two major and one minor committees, and on three subcommittees of major committees and two of minor committees. Also, each Senator may chair only one committee, and only one subcommittee on each committee of assignment, while each full committee chair may head only two subcommittees altogether. However, Rule XXV, paragraph 4 authorized exceptions to these restrictions for the 96th Congress to protect existing assignments. S.Res. 13 (Baker), agreed to on Jan. 5, 1981, provided 11 further categories of exceptions for the 97th Congress, some of which allowed new assignments that helped enable the relatively slim majority to establish a margin of control on each committee. On Apr. 20, 1982, S.Res. 366 (Byrd of W.Va.) provided that Rule XXV restrictions not apply, during the 97th Congress, against minority Senators filling vacancies caused by Senator Williams's resignation.

Committees: Jurisdictions

Although the last comprehensive revision of Senate committee jurisdictions was in 1946, the 1970 Reorganization Act established the Veterans' Affairs Committee and consolidated urban jurisdiction in the renamed Banking, Housing, and Urban Affairs Committee. Subsequently, S.Res. 4 (1977) and other actions stemming from the recommendations of the Stevenson Committee (see Background) significantly modified the jurisdiction of many committees. They concentrated much energy jurisdiction in the renamed Energy and Natural Resources Committee. The Aeronautical and Space Sciences Committee was consolidated into the renamed Commerce, Science, and Transportation Committee; the jurisdiction of the Select Committee on Nutrition was assigned to the renamed Agriculture, Nutrition, and Forestry Committee; and the renamed Governmental Affairs Committee incorporated the District of Columbia and the Post Office and Civil Service Committees. Four joint committees were terminated, while four remain (Economic, Taxation, Printing and Library).

Select Committees on Aging and Ethics have been retained. A Permanent Select Committee on Intelligence was created in 1976 and, at the end of 1980, the Select Committee on Indian Affairs was reauthorized through 1983. On Mar. 25, 1981, the Senate approved S.Res. 101, changing the Select Committee on Small Business into a standing committee.

The Rules and Adminsitration Committee is charged with the continuing review of committee jurisdictions. Pursuant to this charge, S.Rept. 97-55 reviewed the abolition of the Joint Committee on Congressional Operations, implementation of Stevenson Committee and Culver Commission recommendations (see Background), and other matters connected with Senate operations.

Administrative Support

Beginning in January 1983, 50 Senators were to have their offices in the newly opened Hart Senate Office Building, with each suite arranged in a cluster, rather than along a corridor as in the Russell and Dirksen buildings. Since fewer than 50 Senators chose to move to suites in the Hart Building, the remaining suites were to have occupants assigned to them from among those not choosing to move. Structural details of the Hart Building have been modified to keep costs under the $137 million cap set in 1979, but in 1982 the Senate Office Building Commission approved the use of $5 million in contingency funds to complete the multimedia hearing room, gym and other features. Several attempts were made to override this action by amendment of various measures; ultimately, on Sept. 24, the Senate adopted unprinted amendment 1280 (Baker, Byrd of W.Va., et al.) to H.R. 6956, the HUD appropriations bill (P.L. 97-272), prohibiting the use of funds to complete this gym or operate the small gym in the Dirksen Building.

Architect of the Capitol George White developed a $50 million plan to reorganize suites in the older Senate office buildings into clusters like those in the Hart Building. A more modest refurbishing of those buildings would cost $6.5 million. The Architect also submitted to Congress, on Sept. 25, 1981, a master plan for the Capitol area, including projections of sites where three new Senate office buildings could be located if needed. During the 97th Congress, the Senate agreed to amendments to appropriations bills prohibiting the use of funds to plan or construct any such building.

The latest Senate support office to be established is the Office of the Senate Legal Counsel, established to be the "Senate's lawyers" in 1978. On July 23, 1981, the Rules and Administration Committee reported (S.Rept. 97-167) S.Res. 193, to establish a Senate Placement Office under the Sergeant at Arms. This proposal followed the abolition, by the House of Representatives, of its Office of Management Services, which had previously made its Congressional Placement Office available for Senate use.

For information on Senate committee staff and funding see IB82006, Congressional Committee Staff and Funding.

LEGISLATION

P.L. 97-51, H.J.Res. 325

Continuing appropriations, 1982. Incorporates Legislative Branch appropriations, FY82. Includes provisions removing statutory ceiling (2 U.S.C. 441i(a)) on Senate outside earned income and forbidding expenses to remodel Senate office buildings or plan any new ones. Passed House Sept. 16, 1981; passed Senate, amended, Sept. 25. Conference report filed in House and Senate Sept. 30 (H.Rept. 97-260); House and Senate agreed to conference report and measure cleared for President, Sept. 30; approved by President (P.L. 97-51) Sept. 30.

P.L. 97-69, S. 1224

Permits Senators to send franked mass mail, addressed to "postal patron," except within 60 days before an election. Makes other clarifications in Senate franking regulations. Introduced May 19, 1981; referred to Governmental Affairs Committee; Subcommittee on Civil Service held hearing June 16; reported (S.Rept. 97-155) July 17, with amendments; passed Senate, amended, July 20; passed House Oct. 13; approved by President (P.L. 97-69) Oct. 26.

P.L. 97-108, H.R. 1465, S. 43

State and Local Government Fiscal Note Act of 1981. Amends 1974 Budget Act to require Congressional Budget Office, beginning for FY83, to estimate cost to State and local governments of fiscally significant legislation when reported. Passed House (amended) Dec. 8, 1981 (H.Rept. 97-353); passed Senate Dec. 16, 1981 (S.Rept. 97-142); approved by President (P.L. 97-108) Dec. 23, 1981.

S.Res. 16 (Byrd of W.Va.)

Amends Senate rules to allow prohibiting nongermane amendments to a bill by a three-fifths vote. Introduced Jan. 5, 1981, and laid over under Rule XIV.

S.Res. 20 (Baker)

Directs Rules and Administration Committee to report a resolution establishing regulations and any rules changes needed to provide for broadcast of Senate floor proceedings. Authorizes such broadcast effective on the date such resolution is agreed to. Submitted Jan. 6, 1981; referred to Rules and Administration Committee. Reported (S.Rept. 97-178) Aug. 13, 1981. Motion to proceed to consider agreed to, 92-3, Feb. 4, 1982. Resolution agreed to, as amended, by voice vote, Apr. 21, 1982.

S.Res. 85 (Baker)

Directs Parliamentarian's Office to prepare and maintain a computerized file of Senate procedures, precedents, and legislative veto information. Submitted Mar. 3, 1981; referred to Rules and Administration Committee.

S.Res. 101 (Baker et al.)

Makes Committee on Small Business a standing committee. Submitted, considered, and adopted Mar. 25, 1981.

S.Res. 193 (Mathias)

Establishes a Senate Placement Office under the Sergeant at Arms. Original resolution reported (S.Rept. 97-167) from Committee on Rules and Administration July 23, 1981.

S.Res. 392 (Mathias)

Creates a Study Group of two former Senators to report by June 1, 1983, on changes in Senate practices that would facilitate debate on major national issues. Submitted, considered, and adopted May 11, 1982.

S.Res. 397 (Roth et al.)

Provides that the Commerce Committee have jurisdiction over nominations for Secretary and Deputy Secretary of Commerce, and that the Energy and Natural Resources Committee receive, upon request, review of such nominations. Establishes these procedures as Senate Rules. Submitted May 24, 1982; referred to Rules and Administration Committee.

S.Res. 429 (Proxmire, DeConcini)

Prohibits the use of Hart Office Building contingency funds for the completion of certain facilities in that building. Submitted July 19, 1982; referred to Rules and Administration Committee.

S.Res. 436 (Mathias)

Provides regulations for broadcast of Senate floor proceedings. Provides for gavel to gavel coverage, operated by the Senate, with cameras showing only the Senator speaking and the Presiding Officer. Tapes are to be archived, and commercial and political use prohibited. Coverage is to begin when the four party and Rules Committee leaders agree to end a test period. Authorizes $3.5 million to establish the system. Original resolution reported from Rules and Administration Committee July 27, 1982 (S.Rept. 97-506).

S.Res. 512 (Mathias)

Repeals Senate Rule XXXVI, thus eliminating a provision, scheduled to have taken effect on Jan. 1, 1983, to limit Senators' outside earned income to 15% of salary. Original resolution reported from Rules and Administration Committee Dec. 9, 1982 (S.Rept. 97-675); adopted 54 to 38, Dec. 14, 1982.

HEARINGS

U.S. Congress. Senate. Committee on Governmental Affairs. Subcommittee on Civil Service, Post Office, and General Services. Congressional franking privilege. Hearings, 97th Congress, 1st session, on S. 224. June 16, 1981. Washington, U.S. Govt. Print. Off., 1981. 18 p.

U.S. Congress. Senate. Committee on Rules and Administration. Television and radio coverage of proceedings in the Senate chamber. Hearings, 97th Congress, 1st session, on S.Res. 20. Apr. 8 and 9, May 5, 1981. Washington, U.S. Govt. Print. Off., 1981. 274 p.

U.S. Congress. Senate. Select Committee on Ethics. Revising the Senate Code of Official Conduct pursuant to S.Res. 109. Hearings, 96th Congress, 2d session. Washington, U.S. Govt. Print. Off., 1981. 195 p.

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Debate on outside earned income, office building prohibition at S10418-S10426.

Television and radio coverage of proceedings of the Senate. Debate and vote in the Senate. Congressional record [daily ed.], v. 128, Feb. 2, 1982: S269-S283; Feb. 8: S452-S470; Feb. 9: S592-S597; Apr. 14: S3451-S3487; Apr. 15: S3571-3585; Apr. 19: S3640-3646; Apr. 21: S3798-3804.

U.S. Congress. Senate. Committee on Governmental Affairs. State and Local Government Fiscal Note Act of 1981; report to accompany S. 43. June 23, 1981. Washington, U.S. Govt. Print. Off., 1981. 13 p. (97th Congress, 1st session. Senate. Report no. 97-142.)

----- To amend the provisions of title 39, United States Code, relating to the use of the frank...; report to accompany S. 1224. July 17, 1981. Washington, U.S. Govt. Print. Off., 1981. 19 p. (97th Congress, 1st session. Senate. Report no. 97-155.)

U.S. Congress. Senate. Committee on Rules and Administration. Regulations to implement television and radio coverage of Senate proceedings; report...(together with minority and additional views) to accompany S.Res. 436. July 27, 1982. Washington, U.S. Govt. Print. Off., 1982. 17 p. (97th Congress, 2d session. Senate. Report no. 97-506.)

----- Report...on its continuing review of the Senate Committee System and the standing rules and other rules of the Senate related thereto. May 6, 1981. Washington, U.S. Govt. Print. Off., 1981. 21 p. (97th Congress, 1st session. Senate. Report no. 97-55).

----- Television and radio coverage of proceedings in the Senate chamber; report, together with additional views, to accompany S.Res. 20. Aug. 13, 1981. Washington, U.S. Govt. Print. Off., 1981. 9p. (97th Congress, 1st session. Senate. Report no. 97-178.)

U.S. Congress. Senate. Commission on the Operation of the Senate. Toward a modern Senate; final report. Washington, U.S. Govt. Print. Off., Dec. 31, 1976. 83 p. (94th Congress, 2d session. Senate. Document no. 94-278)

U.S. Congress. Senate. Special Committee on Official Conduct. Senate Code of Official Conduct; report to accompany S.Res. 110. Washington, U.S. Govt. Print. Off., Mar. 10, 1977. 91 p. (95th Congress, 1st session. Senate. Report no. 95-40)

U.S. Congress. Senate. Temporary Select Committee to Study the Senate Committee System. Structure of the Senate committee system: jurisdictions, numbers and sizes, and limitations on membership and chairmanships, referral procedures, and scheduling; first report, with recommendations. Washington, U.S. Govt. Print. Off., Nov. 15, 1976. 225 p. (94th Congress, 2d session. Senate. Report no. 94-1395)

CHRONOLOGY OF EVENTS

12/14/82 -- By a roll call vote of 54 to 38, Senate approved S.Res. 512, repealing the cap on Senators' outside earned income slated to take effect on Jan. 1, 1983.

09/02/82 -- A Federal District Court dismissed a suit challenging the constitutionality of the franking privilege.

07/27/82 -- Rules and Administration Committee reported S.Res. 436, proposing regulations to implement broadcast of Senate proceedings pursuant to S.Res. 20.

05/11/82 -- Senate Study Group established to report by June, 1983, on revisions of Senate practices for debate of broad issues (S.Res. 392).

03/21/82 -- Senate agreed to S.Res. 20, as amended, providing that authority for broadcast of Senate proceedings take effect when the Senate approves a resolution establishing regulations therefor.

02/26/82 -- Rules and Administration Committee, after hearing cost estimates, postponed implementation of franked "postal patron" mail from Senators.

10/26/81 -- P.L. 97-69, changing Senate franking regulations, including allowing franked mass mail from Senators to "postal patron," signed into law.

08/13/81 -- Rules and Administration Committee reported S.Res. 20, providing for broadcast of Senate floor proceedings.

03/25/81 -- Senate approved S.Res. 101, making the Committee on Small Business a standing committee.

12/11/80 -- Senate adopted S.Res 448, as amended, extending the Select Committee on Indian Affairs through 1983.

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----- House TV gets mixed reviews but cancellation isn't likely. Congressional quarterly weekly report, v. 38, Mar. 15, 1980: 735-737.

----- Senate passes expanded franking privilege. Congressional quarterly weekly report, v. 39, July 25, 1981: 1345-1346.

----- Senate sends TV resolution back for rewrite. Congressional quarterly weekly report, v. 40, Apr. 24, 1982: 914.

Burkhardt, Rich. Ex-Senators to study ways of streamlining procedure. Roll call, v. 27, May 27, 1982: 1.

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Here's Hart. Congressional staff journal, 97th Congress, no. 12, Nov.-Dec. 1982: 1-9.

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Plattner, Andy. New quarters await Members in Hart Senate Office Building. Congressional quarterly weekly report, v. 40, Sept. 4, 1982: 2203-2204

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Issue Brief

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SENATE PROCEDURE AND ORGANIZATION: PROPOSALS FOR CHANGE IN THE 98TH CONGRESS

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BY

Ilona B. Nickels

Government Division

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ISSUE DEFINITION

Several questions of institutional change in the Senate received attention during the 98th Congress. They included the proposal for television and radio broadcasting of Senate floor proceedings, the formation of new Senate committees and the reorganization of the committee system, the imposition of additional germaneness requirements, and the recommendations of the Study Group on Senate Practices and Procedures (the Pearson-Ribicoff Report).

This issue brief focuses primarily on changes in Senate procedural rules, organization, and administrative services. For information on proposed changes in committee staff and funding, see IB82006. For information on proposed changes in congressional pay, see IB84054. For information on proposed changes in congressional ethics and perquisites, see IB83067. For information on proposed changes in the congressional budget process, see IB83041.

BACKGROUND AND POLICY ANALYSIS

Background

Three major enactments before 1975 played key roles in shaping the context within which recent proposals for Senate change were discussed.

(1) The Legislative Reorganization Act of 1946 created the basic structure of committee jurisdictions that, with modifications, persists today.
(2) The Legislative Reorganization Act of 1970 established a number of procedural safeguards in committee and floor rules and expanded the scope of congressional policy research agencies.
(3) The Congressional Budget Act of 1974 established the present congressional budget process, the Budget Committees, and the Congressional Budget Office.

Since the three major enactments mentioned, consideration has been given to a wide range of changes in Senate organization and procedure on several occasions.

- In 1976, the Commission on the Operation of the Senate (Culver Commission), proposed a wide range of changes in the Senate's administrative structure. These were a factor in the Senate's 1977 adoption of S.Res. 110, its Code of Official Conduct.
- During the same period, the recommendations of the Temporary Select Committee to Study the Senate Committee System (Stevenson Committee) led to the adoption of S.Res. 4 (1977), making important modifications in committee structure, jurisdictions, assignment limitations, and procedure.
- During the 96th Congress (1979-1980), the Senate recodified its Standing Rules, incorporating pertinent

parts of Reorganization Acts, S.Res. 4, and the Code of Official Conduct (which became Rules XXXIV-XLII).

o On Apr. 5, 1983, the Study Group on Senate Practices and Procedures transmitted a report (The Pearson-Ribicoff Report) recommending changes in Senate rules and procedure to the Senate Rules and Administration Committee.

Throughout the period since 1946, gradual change has also occurred in such matters as the arrangement of floor proceedings by unanimous consent, the distribution of committee assignments, and the operation of the cloture rule.

Broadcast of Senate Proceedings

A proposal providing for radio and television broadcasting of Senate floor proceedings, S.Res. 66, received Senate consideration during the first and second sessions of the 98th Congress. On Sept. 13, 1984, Majority Leader Baker offered a motion to proceed to the consideration of S.Res. 66. On Sept. 18, 1984, the Senate agreed to invoke cloture on the motion to proceed to the consideration of the measure and then agreed to the motion on Sept. 19, 1984. However, the Senate failed to invoke cloture and end debate on S.Res. 66 itself on Sept. 21, 1984, and the resolution was returned to the Calendar that same day. The Rules and Administration Committee had held hearings on Apr. 14 and 15, 1983, with several Senators, media figures, and broadcast executives testifying. On June 15, 1983, the Committee had ordered S.Res. 66 reported (S.Rept. 98-167, June 28, 1983) by a vote of 6 to 3.

S.Res. 66 would have established a system similar to that operated by the House since 1979, with video and audio signals produced under the control of the Senate and made available to broadcasters, gavel-to-gavel coverage except during closed door sessions, and cameras showing only the Senator speaking and the Presiding Officer. Six cameras, remotely controlled, would be used; lighting levels in the Chamber would be increased, but no new fixtures would be installed. An improved sound system, however, would be required. In contrast to the House system, videotapes would be permanently archived for historical purposes, rather than maintained temporarily and then re-used. Broadcast would begin when the two floor leaders and the Chairman and Ranking Minority Member of the Rules and Administration Committee agreed that the results of a test period, on the Senate cable system only, were satisfactory.

Questions of Implementation

One concern connected with gavel-to-gavel television coverage was its cost. S.Res. 66 would have authorized $3.5 million to establish the system; some opponents feared the actual cost would be nearer $5 million, but supporters stated that technological advances are bringing costs down. The report on S.Res. 66 estimated annual operating costs of $1 million, which supporters noted would be one-fifth the annual cost of Senatorial newsletters, or no more than the cost of 600 pages of the Record.

Proposals were also made for less than gavel-to-gavel coverage. One alternative suggested as less costly than the proposed system is allowing a network pool to cover debate with its own personnel and cameras. Some broadcasting industry representatives testified in favor of this option. It was also advocated on grounds that doubts might be raised about the "objectivity" of coverage by employees of the Senate itself.

Another less costly alternative is providing for coverage on radio only. Amendments to limit coverage to radio were offered in committee to S.Res. 20, but defeated. Proponents of television coverage stated that, while no room remained on the radio spectrum for gavel-to-gavel coverage, cable TV did provide such opportunities.

S.Res. 66 also would have prohibited re-use of the broadcast signal for commercial or political purposes. The House has similar restrictions, but in at least one 1982 House campaign, a Member's opponent used taped excerpts of House floor debate in campaign advertising. In addition to the question of how restrictions on such activity can be enforced against non-Members, such proposals as copyrighting the signal or prohibiting taping might raise First Amendment questions.

The question was also raised of whether videotapes would replace the Congressional Record as the authoritative report of debate. Some pointed out that the possibility of editing copy for the Record provides Senators a means of ensuring the accurate expression of their intended meaning.

Possible Effects of Broadcasting: Proponents of televising the Senate urged that doing so would respond to public demand, increase access to information on government decisions affecting the public, and improve public knowledge about, public respect for, and the national influence of, the Senate. Senate coverage would complement the system which exists in the House, thereby providing a more complete view of how both Houses of Congress operate. Proponents argued that televised information about the Senate should not be restricted to such aspects as committee hearings and to fragmentary reports in "hallway interviews."

Those with doubts about televising the Senate emphasized that floor proceedings are not the sum total of legislative activity. They argued the proposed system would not provide truly complete coverage, because it would still omit images of the whole chamber and the cloakrooms, and because it would provide gavel-to-gavel coverage only to those possessing cable service offering C-SPAN. Another focus of concern was how the quality of Senate deliberations might be affected by television's tendency to influence and alter the events it covers, by operating as a distraction from legislation or by promoting an emphasis on image rather than substance. Some pointed out that television might induce Senators to speak less spontaneously, at more length, and more frequently, especially during campaign periods. Alternatively, television's emphasis on the brief and dramatic might render debate more disjointed. Some also feared that television might reduce the Senate's detachment from momentary public sentiment, thereby impairing its capacity for reflective deliberation. They held that the presence of cameras might move Senators to alter the substance of their remarks on the floor, or to insist more often on carrying struggles over details of policy to the floor, while making them less willing either to defend unpopular views or to accept compromises of their positions.

Proponents responded that television might instead encourage shorter, better delivered speeches. They held that television has a capacity to inform more than to deceive, would tend to reveal when remarks were being calculated for public effect, and would penalize inflated remarks. They argued that television has had little effect on House proceedings and predicted that television would foster improved attendance and order on the Senate floor. Skeptics held that the example of the House, which operates under strict limitations of time for debate, may not be applicable to the

Senate. They noted that the number of one-minute and special order speeches in the House have increased since television.

A final question involved relationships between television coverage and possible changes in Senate rules and practices. The report on S.Res. 66 found no reason to believe that television would bring about any weakening of the Senate's existing system of procedural safeguards, and held that no changes in Senate rules would be necessary. Certain procedural changes, however, have been advocated as natural concomitants of broadcasting, such as a requirement that Senators vote from their desks, electronic voting, and separate days for committee and floor sessions. On the other hand, some opponents of television coverage suggested that television coverage itself might necessitate more restrictive Senate procedure, i.e., germaneness requirements in debate, time limitations on debate and on quorum calls, requirements for alternating recognition by party, closer timing and management of floor events, and time agreements constructed with reference to prime broadcast time. They suggested that appropriate procedural changes ought to be established in practice before broadcasts begin. Proponents argued that such changes would not be found necessary, and that the broadcasts themselves might be the most effective way of reducing public misunderstanding concerning Senate rules and procedure; they noted that many listeners were favorably impressed by the Panama Canal treaty debates.

Germaneness of Amendments

The Senate requires amendments to be germane to the underlying measure only in four circumstances: (1) by unanimous consent, usually as part of a time agreement; (2) under cloture; (3) by rule-making statutes which have expedited procedures written into them, most notably the Congressional Budget Act governing the consideration of budget resolutions and reconciliation measures; and (4) by Rule XVI, governing the consideration of general appropriation bills.

Legislation was introduced in the 98th Congress to allow the Senate to vote to prohibit non-germane amendments in individual cases (S.Res. 63, 64, and 80, Byrd), to prohibit non-germane amendments on continuing appropriations measures (S.Res. 295, Huddleston and Ford), non-germane amendments on public debt legislation (S.Res. 258, Dole and Baker and S.Res. 296, Huddleston and Ford), and non-germane amendments unless submitted 48 hours in advance (S.Res. 360, Tower).

In addition, a proposal was submitted stipulating that the defense of germaneness cannot be raised to counter a point of order during the consideration of an appropriation bill unless the bill contains House legislative language on the subject (S.Res. 14 and 15, Byrd). Rule XVI, paragraph 4, allows a point of order to be raised against any amendment containing legislative language that is offered to a general appropriation bill, but also permits the defense to be raised against such a point of order that the language is germane to House-passed provisions under consideration. The Rule mandates that such a question of germaneness be decided by vote; if the Senate holds the amendment germane, the point of order falls.

Limitation of Debate

In both the 97th Congress and the 98th Congress, extended debate on several measures, on which cloture was invoked or attempted, fostered a renewal of the perennial discussion of whether the Senate's capacity to limit debate under the cloture rule (Rule XXII, paragraph 2) should be strengthened (see REPORTS and =CONGRESSIONAL DOCUMENTS.) Rule XXII now provides that, in most cases, debate in the Senate may be limited if a cloture motion, signed by 16 Senators, is submitted, and then agreed to by at least three-fifths of all Senators (60, if no vacancies exist) two calendar days later. On proposals to change the Rules, however, invoking cloture requires two-thirds of Senators voting (67, if all Senators vote). Cloture may be invoked on a measure or matter, on an amendment thereto, or on a motion to proceed to consider a measure or matter. Senate Rules permit unlimited debate on motions to proceed to consider (except when made during the Morning Hour, or when made on privileged measures or on executive business) so that a measure's supporters may find it necessary to seek cloture first on the motion to proceed and then on the measure itself. Each Senator is limited to one hour of debate on the matter under cloture, total post-cloture consideration of that matter is limited to 100 hours, only amendments filed before the cloture vote may be called up, and non-germane amendments and dilatory motions are prohibited.

The Senate Study Group (see Pearson-Ribicoff Report) recommended that debate on motions to proceed to consider a measure be limited to two hours, that the number of amendments a Senator could call up after cloture be limited to two, and that no division of the question be permitted on amendments under cloture. Others suggested that cloture motions might be voted on after three hours of debate controlled by the majority and minority leaders, that a limit be placed on the time available for debate on motions to proceed to consider measures, or that an ordinary majority be required in order to cut off debate on rules changes.

Committee Structure and Assignments

On June 6, 1984, the Senate agreed to S.Res. 127, as amended. By adopting the Baker-Byrd amendment to S.Res. 127, the Senate established the Temporary Select Committee to Study the Senate Committee System. S.Res. 127 also made the Select Committee on Indian Affairs a permanent committee of the Senate. Twelve Senators, six from each party, were named as Members of the Temporary Select Committee on June 13, 1984. They reviewed the structure, jurisdiction, number, optimum size, rules, procedures, and media coverage of Senate committees and subcommittees and recommended ways to make committee operations more effective and schedules more efficient. They also studied the number of assignments Senators receive to committees and subcommittees and the practice of granting special exemptions to the assignment limitations and of enlarging the size of various Senate committees on a temporary basis. The Temporary Select Committee submitted a final report of its findings on Dec. 14, 1984 (S.Prt. 98-254).

On July 31 and Aug. 2, 1984, the Temporary Select Committee to Study the Senate Committee System held hearings to review proposals for the reform of the Senate committee system, focusing on the jurisdiction of Senate committees and recommended mergers, abolition or redrawing of jurisdiction boundaries, the optimum number of assignments of Senators to committees and subcommittees, and examining the relationship between the authorization, appropriations and budget committees, receiving testimony from Senator Majority Leader Baker and several other Senators.

Legislation was also introduced during the 98th Congress to establish a Temporary Special Committee on the Family, Youth and Children (S.Res. 185, Denton), a Select Committee on Puerto Rico (S.Res. 202, Baker), and a Joint Select Committee on Congressional Operations (S.J.Res. 209, Boren).

Pearson-Ribicoff Report

On Apr. 5, 1983, the Study Group on Senate Practices and Procedures transmitted to the Rules and Administration Committee its report on what revisions of Senate procedures might facilitate debate on major national policy issues and improve the effective use of time in Senate sessions. This Study Group, composed of former Senators James Pearson and Abraham Ribicoff, had been established by S.Res. 392 on May 11, 1982. Its recommendations were discussed at a hearing of the Rules and Administration Committee on May 9, 1983; no further formal action was taken by that Committee.

The Study Group's report proposed changes in Senate rules and in procedures for scheduling and agenda setting to encourage more sharply focused deliberation. It recommended establishing an annual agenda for the Senate, creating a permanent presiding officer, making procedural changes to expedite floor action, strengthening germaneness requirements for amendments, tightening rules governing debate after cloture is invoked, permitting limited television broadcast of Senate debates, revising the budget process, abolishing several committees, and placing new limitations on Senators' committee assignments.

Other recommendations of the Study Group included the following: (1) prohibiting Senators from reading speeches, except by unanimous consent when technical or legal precision is required; (2) restoring the use of the Morning Hour, and using the calendar call to pass measures not objected to; (3) either not permitting Senators to use "holds" to prevent a measure from being called up or allowing a "hold" to expire after a given period ("holds" are now taken as indications that Senators' concerns may require accommodation rather than as actual bars to calling up the measure); (4) prohibiting unprinted amendments, except when uncontroversial, very short, or permitted by a vote requiring an extraordinary majority. Such a prohibition had been advocated on the grounds that unprinted amendments make it harder for Senators to know what they are voting on. Others held that such amendments usefully allow legislation to respond to developments on the floor.

Administrative Services

On June 27, 1984, the Senate Rules and Administration Committee announced its approval of the final plan for the installation of computers in Senators' offices. (See Mathias, Reports and Congressional Documents.)

On Nov. 14, 1983, the Senate adopted S.Res. 269 (S.Rept. 98-298), establishing a day care center for children of Senate employees, to be run on a self-supporting basis by a non-profit corporation formed by such employees. The day care center opened on Feb. 27, 1984.

Changes in the Senate page program, including the establishment of a residential dormitory for pages and of separate Senate and House page schools, are described in IB82095, The Congressional Page System.

LEGISLATION

S.Res. 51 (Randolph)

Required Senators to vote from their desks. Submitted Feb. 3, 1983; referred to Rules and Administration Committee. Adopted Oct. 11, 1984.

S.Res. 66 (Mathias et al.)
Provided regulations for broadcast of Senate floor proceedings. Provided for gavel to gavel coverage, operated by the Senate and made available to broadcasters, with cameras showing only the Senator speaking and the Presiding Officer. Tapes were to be archived, and commercial and political use prohibited. Authorized $3.5 million to establish the system. Submitted Feb. 16, 1983; referred to Rules and Administration Committee; hearings held Apr. 14-15, 1983; reported (S.Rept. 97-167) without recommendation, June 28, 1983. Motion to proceed to consideration of S.Res. 66 made on Sept. 13, 1984; Cloture on the motion to proceed invoked on Sept. 18, 1984; Motion to proceed to consideration of S.Res 66 agreed to on Sept. 19, 1984; Senate failed to invoke cloture on S.Res. 66 on Sept. 21, 1984; Returned to the calendar on Sept. 21, 1984.

S.Res. 127 (Andrews et al.)
Made Select Committee on Indian Affairs a standing committee. Submitted Apr. 28, 1983; referred to Committee on Rules and Administration; hearing held, Oct. 18, 1983; reported (S.Rept. 98-294), Nov. 2, 1983. Agreed to June 6, 1984, with an amendment creating a Temporary Select Committee to Study the Senate Committee System.

S.Res. 139 (Zorinsky)
Disapproved recommendation of Pearson-Ribicoff Report that the Veterans' Affairs Committee be abolished. Submitted May 11, 1983; referred to Rules and Administration Committee. Committee discharged on Oct. 3, 1984. Senate agreed to S. Res. 139, with amendment, on Oct. 4, 1984.

S.Res. 269 (Mathias, et al.)
Established a day care center for children of Senate employees. Submitted Nov. 4, 1983; agreed to Nov. 14, 1983.

S.Res. 369 (Inouye)
Authorized and directed the Secretary of the Senate to design and make available to Members an official Senate flag. Submitted Apr. 12, 1984; referred to Committee on Rules and Administration. Reported favorably on June 27, 1984. Report submitted on Aug. 8, 1984 (S.Rept. 98-588). Senate agreed to S. Res. 369 by unanimous consent on Sept. 7, 1984.

S.Res. 461 (Stevens)

Proposed amendments to the standing rules of the Senate to provide for procedural reform. Submitted Oct. 2, 1984; referred to Committee on Rules and Administration.

HEARINGS

U.S. Congress. Senate. Committee on Rules and Administration.

Television and radio coverage of proceedings in the Senate chamber. Hearings, 97th Congress, 1st session, on S.Res. 20. Apr. 8 and 9, May 5, 1981. Washington, U.S. Govt. Print. Off., 1981. 274 p.

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CHRONOLOGY OF EVENTS

12/14/84 -- Temporary Select Committee to study the Senate Committee System issued its final report together with proposed resolutions (S.PRT. 98-254).

11/29/84 -- Temporary Select Committee to Study the Senate Committee System held a markup of its Senate committee reform plan.

09/21/84 -- Senate failed to invoke cloture on S.Res. 66, providing for radio and television coverage of the Senate. S.Res. 66 returned to calendar.

09/19/84 -- Senate agreed to motion to proceed to consideration of S.Res. 66.

09/18/84 -- Senate agreed to invoke cloture on the motion to proceed to the consideration of S.Res. 66.

09/13/84 -- Motion to proceed to consideration of S. Res. 66, providing for radio and television coverage of the Senate, made.

07/31/84 -- Temporary Select Committee to Study the Senate Committee System held 2 days of hearings on proposals for the reform of the Senate committee system.

06/28/84 -- Senate agreed to S.Con.Res. 122, establishing the Joint Committee on Inaugural Ceremonies.

06/06/84 -- Senate agreed to S.Res. 127, making the Select Committee on Indian Affairs a permanent committee of the Senate, after agreeing to Baker-Byrd Amendment no. 3161, establishing a Temporary Select Committee to Study the Senate Committee System.

11/18/83 -- Senate agreed, by unanimous consent, to extend the life of the Temporary Select Committee on Indian Affairs to July 1, 1984.

11/14/83 -- Senate agreed to S.Res. 269, establishing a day care center for children of Senate employees. The day care center opened on Feb. 27, 1984.

06/28/83 -- Rules and Administration Committee reported S.Res. 66, to implement radio and television broadcasting of Senate proceedings. (S.Rept. 98-167).

05/09/83 -- Rules and Administration Committee held hearing on report of the Pearson-Ribicoff Study Group on Senate Practices and Procedures on possible changes in Senate rules and practices to facilitate debate on major national issues.

05/11/82 -- Study Group on Senate Practices and Procedures established by S.Res. 392.

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----- A "germaneness amendment" provision to Senate rules: an overview of recent recommendations. Typed report, by Walter Oleszek. Aug. 20, 1980. 33 p.

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Issue Brief

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SENATE PROCEDURE, RULES, AND ORGANIZATION: PROPOSALS FOR CHANGE IN THE 99TH CONGRESS

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BY
Ilona B. Nickels
Government Division
Congressional Research Service

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ISSUE DEFINITION

Several questions of institutional and procedural change in the Senate received attention during the 99th Congress. They included the televising of Senate floor proceedings, a suggested reorganization of the Senate committee system and committee assignment procedures, the roll-call voting procedures, the imposition of additional germaneness requirements, the elimination or restriction of debate on motions to take up a bill, and restriction on debate in other circumstances.

This issue brief focused primarily on changes in Senate procedural rules, institutional organization, and administrative services. For information on proposed changes in related matters, see the specific issue briefs on Congressional Committee Staff and Funding, Congressional Pay, Salaries and Allowances, Congressional Ethics, and the Congressional Budget Process.

BACKGROUND AND POLICY ANALYSIS

During the last decade, three major events contributed to significant changes in Senate organization and procedure and helped to shape the context within which proposals for change were discussed in the 99th Congress.

(1) In 1976, the Commission on the Operation of the Senate (Culver Commission), proposed a wide range of changes in the Senate's administrative structure and operations. Only some of its proposals were implemented and observers have noted that its intent to streamline the administrative structure of the Senate has not succeeded.

(2) The 1976 recommendations of the Temporary Select Committee to Study the Senate Committee System (the Stevenson Committee) led to the adoption of S.Res. 4 in 1977, making important modifications in committee structure, jurisdictions, assignment limitations, and procedure. S.Res. 4 encouraged both parties to distribute committee and subcommittee assignments in a way that would reduce Senator's scheduling conflicts and workload. However, in practice S.Res. 4 succeeded primarily in consolidating several obsolete committees and in limiting assignments and leadership posts. This spread the workload and leadership opportunties of the Senate more equitably among the Senate's junior members but had little effect on reducing the overall workload of Senators or on stopping the proliferation of new committees and subcommittees.

(3) Gradual change in Senate procedure also has occurred in the last decade through the increasing use of resolutions granting ad hoc exceptions to exceed the restrictions placed on committee assignment practices by S.Res. 4, by the use of unanimous consent to govern floor proceedings, and by the use of filibusters and cloture petitions. These gradual and often ad hoc changes have accrued to create procedural practices that have evolved more by happenstance than by design.

The shortcomings of the Culver and Stevenson proposals, the continued existence of the problems that prompted their creation in the first place, and the often ad hoc procedures used on the Senate floor have led to recurring attempts to reform the Senate committee structure and rules of procedure. These calls for reform have been prompted by three major complaints voiced by advocates for change in the Senate during the 99th Congress:

(1) The procedural rights of the individual Senator to delay proceedings through extended debate and filibusters is out of balance with the institutional ability of the Senate to function efficiently.

(2) The ability of the Senate to deliberate and consider the major policy issues of the day in a thoughtful and organized manner is hampered by the ability of individual Senators to offer and debate non-germane amendments and issues.

(3) Senators have an excessive number of subcommittee and committee assignments, which acts to the detriment of their daily schedules and workload.

Four comprehensive reform proposals have been offered to address these problems:

(1) The findings of the Study Group on Senate Practices and Procedures (known as the Pearson-Ribicoff Report), issued on Apr. 5, 1983.
The Study Group was established on May 11, 1982 by S.Res. 392, which authorized it to make a "full and complete study" of Senate procedures and practices. The Study Group focused its ultimate recommendations on three specific areas: issues related to the role of the party leaderships; issues related to committee organization, procedures and operations; and issues related to rules and practices governing chamber operations and floor procedures.

(2) The findings of the Temporary Select Committee to Study the Senate Committee System (known as the Quayle Committee), issued on Dec. 14, 1984 (S.Prt. 98-254).
The Quayle Committee was established on June 6, 1984 by S.Res. 127, which authorized it to conduct a "thorough study of the Senate committee system." In addition to recommending changes in the operation of the Senate committee system (see S.Res. 31, Quayle) and the establishment of a Joint Committee on Intelligence Oversight (see S.Con.Res. 5, Quayle), the Quayle Committee also suggested in its report changes in Senate floor procedure governing the offering of non-germane amendments and cloture and post-cloture procedures. However, the Committee did not embody these floor procedural recommendations in any formal resolution.

(3) Senate Resolution 32, submitted by Senator Ted Stevens (R-Alaska), on Jan. 3, 1985 (identical to S.Res. 461 of the 98th Congress). (See Reports and Congressional Documents.)

(4) Senate Resolution 28, submitted by Senator Robert Byrd (D-W.Va.), the Minority Leader, on Jan. 3, 1985. (See Reports and Congressional Documents.)

In addition, Senator Wendell Ford submitted four resolutions that proposed changes to the Senate's rules of procedure. (See Legislation.)

For a full summary of each individual proposal and a comparison of all provisions, see the CRS Report, "Recommendations for Senate Reform: a Comparison of Selected Proposals", issued on Jan. 22, 1985.

On Dec. 5, 1985, nearly 70 Senators met in an informal private session to discuss the quality of life in the U.S. Senate and the procedural changes that might be necessary to improve it. Four changes were agreed upon, to take effect immediately.

First, roll-call votes were to be limited to a duration of 15 minutes. Although a standing order adopted at the beginning of the 99th Congress already restricted roll-call votes to 15 minutes, it had not been strictly adhered to in daily practice. Second, 11 Senators were needed to second a request for a roll-call vote before it is ordered. The Constitution already mandates that 1/5 of a quorum (or 11 Senators) must support the demand for a roll-call vote, but in practice such votes have been ordered without the sufficient second. Third, no roll-call votes were to be ordered after 6 p.m. on a Monday to provide Senators with some scheduling certainty. Finally, the identity of any Senator who places a "hold" on a bill was to be disclosed to other Senators. In previous practice, only party leaders have known who had placed a "hold" on a bill. "Holds" have been used to register objections with the leadership on a bill's consideration and have made the negotiating of unanimous consent time agreements more difficult and, at times, not possible.

The first two changes described were already provided for in the rules of the Senate. The latter two changes were not addressed in the rules of the Senate, but were the result of informal practice. Therefore, no formal rules changes required Senate attention to implement the agreement of the Dec. 5 meeting.

CLOTURE AND POST-CLOTURE PROCEDURES

During the 98th Congress, extended debate on several measures on which cloture was invoked or attempted, fostered a renewal of the perennial discussion of whether the Senate's capacity to limit debate under its cloture rule (Rule XXII, paragraph 2) should be strengthened.

Rule XXII provides that, in most cases, debate in the Senate may be limited if a cloture motion, signed by 16 Senators, is submitted, and then agreed to by at least three-fifths of all Senators (60, if no vacancies exist) two calendar days later. On proposals to change the Standing Rules of the Senate, however, invoking cloture requires two-thirds of all Senators voting (67, if all Senators vote). Cloture may be invoked on a measure or matter, on an amendment thereto, or on a motion to proceed to the consideration of a measure or matter. After cloture is invoked, each Senator is alloted one hour for debate. At the end of 100 hours of consideration, which includes time spent on motions, roll calls, quorum calls, and other procedural matters as well as debate, the Senate votes on all questions then pending and then votes on the question of final action.

On Feb. 27, 1986, the Senate voted to reduce this 100 hour debate limitation in the post-cloture period to 30 hours. This change appeared as a provision in S.Res. 28, which authorized television and radio broadcast of Senate floor proceedings to the public for a trial period. As provided for in S.Res. 28, the change became permanent on July 29, 1986, when the Senate voted to authorize permanent television broadcast of its proceedings.

Senator Quayle observed (see Reports and Congressional Documents) that earlier in the Senate's history, cloture motions were not filed until debate had proceeded for several days or weeks, whereas during the 98th Congress, the cloture motion was at times filed as soon as the matter first came before the Senate. The Quayle Committee report stated that in the last six weeks of the 98th Congress, more cloture votes took place than during the first 10 years of the existence of Rule XXII. The report suggested that cloture motions should be reserved for major policy questions and should not be used for subsidiary issues or procedural questions. Other Senators have defended the increased use of cloture motions. They point out that opponents of a measure today extend debate more frequently. Sometimes opponents extend debate on the motion to proceed to the consideration of a measure and then do so again during consideration of the measure itself. Some opponents continue to prolong consideration through procedural delays even after cloture has been invoked.

The Pearson-Ribicoff Report recommended that cloture motions be permitted even before the matter in question is pending before the Senate, that various restrictions be placed on the ability of Senators to offer amendments and to use procedural mechanisms to extend the consideration of a measure in the post-cloture period, and that the powers of the Chair be strengthened in the post-cloture period. The Stevens proposal (S.Res. 32) and the Byrd proposal (See S.Res. 2 and S.Res. 20) also suggest various restrictions be placed on the ability of Senators to offer amendments and to use procedural devices during the post-cloture period. The Byrd proposal further recommends that the current 100-hour cap on post-cloture consideration of a measure be reduced to 20 hours and that the powers of the Chair during that period be strengthened. Questions concerning cloture procedures were not within the mandate of the Quayle Committee, although its report did include some general observations on the subject.

COMMITTEE STRUCTURE AND ASSIGNMENTS

Senate Rule XXV limits Senators to service on no more than two A committees, no more than one B committee, and an unlimited number of C committees. The rule also provides numerous exceptions to these assignment limits. In addition, Rule XXV designates the size of each standing committee and allows the Majority and Minority leaders the right to increase the size of committees by up to two members to accord the majority party a majority of seats on all standing committees. This provision also permits a Senator to have an extra A or B committee assignment to fill the additional slots.

On Feb. 23, 1985, the Senate adopted S.Res. 74, which reduced the size of seven standing committees by a total of 18 seats, while adding one seat on the Armed Services Committee. The committees that lost seats were Agriculture; Banking, Housing and Urban Affairs; Energy and Natural Resources; Environment and Public Works; Foreign Relations; Governmental Affairs; and Labor. On the same day, the Senate also adopted S.Res. 76, providing waivers for some Senators who may now serve on more than two "A" committees, and S.Res. 75 and S.Res. 77, making majority and minority appointments to certain specified Senate committees. On Mar. 5, 1985, the Senate adopted S.Res. 87 and S.Res. 89, making additional majority and minority appointments to its committees.

The Pearson-Ribicoff report recommended eliminating several committees, merging committees with like jurisdiction, and creating three new categories of the remaining 13 committees for assignment purposes, allowing Members one committee assignment in each group. The Quayle Committee report recommendations (See S.Res. 31) proposed eliminating all exceptions to assignment limits, moving the Indian Affairs Committee from category C to category B, changing the sizes of committees to accommodate two hundred A slots and ninety-seven B slots, and continuing the allowance for the leadership to increase the sizes of committees. Neither the Stevens nor the Byrd proposal addressed the question of committee assignments.

In current Senate practice, subcommittees are created and staffed according to the rules and customs of each individual committee and these practices vary. The Pearson-Ribicoff report recommended a prohibition against all staffed subcommittees and suggested that the work of subcommittees be restricted to only "the conduct of hearings, compilation of data, and resumes of proposed legislation." The Quayle Committee report recommended that Senate committees be limited to five subcommittees each (with the exception of Appropriations) and that individual Senators be limited to serving on two subcommittees in each of their "A" and "B" committees. The Quayle Committee estimated this would reduce the number of subcommittees from 110 to 80. Neither the Stevens nor the Byrd proposal addressed the question of subcommittee assignments. To date, only the Foreign Relations Committee has moved to reduce the number of subcommittees. On Feb. 21, 1985, the Committee went from seven to six subcommittees by eliminating the Subcommittee on Arms Control, Oceans and International Operations and Environment.

On May 9, 1985, the Committee on Rules and Administration reported an original resolution, S.Res. 159, to establish a Select Committee to study and make recommendations with respect to a 2-year budget process (S.Rept. 99-45). On July 23, 1986, the Rules Committee held hearings on a resolution to establish a Special Committee on Families, Youth, and Children to study the impact of government policies on, and ways to assist in, matters pertaining to these groups (see S.Res. 330). In addition, legislation was introduced to establish a Joint Committee on Intelligence Oversight (see S.Con.Res. 5), and a temporary select committee to study the congressional budget process (see S.Res. 157).

DEBATE LIMITATION

The Senate restricts debate through unanimous consent agreements, through the acceptance of unanimous consent requests, or by invoking cloture. Unanimous consent agreements, sometimes called time limitation agreements, are negotiated in advance of the floor consideration of a bill by the Senate leadership. They prescribe the conditions governing the debate and amending procedures for that specific bill. Unanimous consent requests serve the same purpose but are usually made on an ad hoc basis on the floor, either just prior to, or during the consideration of, a measure. (For an explanation of how cloture is invoked, see Cloture and Post-Cloture Procedures.) The Senate has also voted to enact certain rule-making statutes, such as the Congressional Budget Act, which impose expedited procedures governing the consideration of specific pieces of legislation, including debate restrictions.

Another limitation on debate is contained at the end of clause 1(a) of Rule XIX of the Standing Rules of the Senate. Known as the "two-speech rule", it limits Senators to two speeches on the same subject on the same legislative day. The rule is rarely enforced on the Senate floor. On Sept. 25, 1986, however, the Chair's interpretation of the "two-speech rule" in response to a point of order became the subject of extensive debate. (see U.S. Senate in Reports and Congressional Documents). The Senate debate ended in a successful motion to appeal the ruling of the Chair which resulted in a new precedent establishing a broader interpretation of the "two-speech" requirement.

Senate rules currently provide that motions to proceed to the consideration of a measure are debatable with three exceptions: 1) motions to proceed to the consideration of privileged matters (i.e., conference reports or House-passed measures); 2) motions to proceed made during the Morning Hour; and 3) motions to proceed to executive business. As a result, the motion to proceed frequently has been the subject of extended debate. This has meant, at times, a duplication of effort for the Senate because extensive floor time may be devoted to the same measure on the motion to proceed, as well as on the measure itself. The Pearson-Ribicoff report, the Quayle Committee report, and the individual reform proposals introduced by Senators Byrd (see S.Res. 2 and S.Res. 25), Stevens (see S.Res. 32) and Ford (see S.Res. 45) all recommended limiting debate on the motion to proceed to two hours.

During the debate on S.Res. 28, which authorized live radio and television broadcast of Senate floor proceedings to the public, the Senate considered a provision which imposed a two hour debate limitation on the motion to proceed. However, the authors of the provision, Senators Dole and Byrd, did not pursue the proposal.

The Stevens proposal (S.Res. 32) provided for a motion to proceed to the consideration of a measure under a time limitation and an additional contingent motion to further limit debate. Each motion would have to be adopted by three-fourths of all Senators present and voting. The stated intent of the Stevens proposal was to allow a super-majority of the Senate to begin and complete consideration of legislative measures, despite the objections of a small minority.

S.Res. 44 (Ford) would provide for the adoption of time limitation agreements by a four-fifths vote of all members present and voting, as opposed to unanimous consent, which has been the practice.

GERMANENESS OF AMENDMENTS

The Senate requires amendments to be germane to the underlying measure only in four circumstances: (1) by unanimous consent, usually as part of a time agreement; (2) under cloture; (3) by rule-making statutes that have expedited procedures written into them, i.e. the Congressional Budget Act governing the consideration of budget resolutions and reconciliation bills; and (4) by Rule XVI, governing the consideration of general appropriations bills.

The Pearson-Ribicoff report, the Quayle Committee Report, the Byrd (see S.Res. 2 and S.Res. 27), Stevens (see S.Res. 32) and Ford proposals (see S.Res. 46 and 47) all suggested a procedure be established enabling the Senate to require by motion that amendments to any measure be germane and that the motion be adopted by the same super-majority (3/5) vote that is required to invoke cloture. The Quayle Committee also recommended a similar majority be permitted to overturn a ruling of the Chair that a specific amendment is not germane, while the Byrd and Ford proposals allow for a 2/3 vote to do so. (Senate rules do not grant the Presiding Officer the authority to make rulings that the Senate itself cannot reverse by simple majority vote.)

On Feb. 26, 1986, the Senate voted 60-37 to adopt a motion offered by Senator Armstrong, which struck the language providing for a motion to invoke germaneness by a 3/5 vote from S.Res. 28, which authorized live radio and television broadcast of Senate floor proceedings to the public.

Rule XVI, paragraph 4, now allows a point of order to be raised against any amendment containing legislative language that is offered to a general appropriations bill, but also permits the defense of germaneness to be raised against such a point of order that the language is germane. Rule XVI mandates that such a question of germaneness be decided by vote and not by the Chair; if the Senate holds the amendment germane, the point of order falls. The Byrd proposal (see S.Res. 2 and S.Res. 24) stipulated that the defense of germaneness cannot be raised to counter a point of order during the consideration of an appropriations bill unless the bill contains House legislative language on the subject. The Stevens proposal (S.Res. 32) further recommended that the question of germaneness in such cases be decided by the Presiding Officer, not the Senate, and that appeals from such rulings be decided without debate. The Pearson-Ribicoff report would have established a threshold test before the defense of germaneness could be raised, with certain exceptions.

SENATE TELEVISION

On July 29, 1986, the Senate voted (78 yeas to 21 nays) to make permanent the live, gavel-to-gavel radio and television broadcast of its floor proceedings. Earlier, on Feb. 27, 1986, the Senate had agreed to S.Res. 28, which authorized live broadcast of its floor proceedings on a trial basis. Television broadcasting began May 1 on an in-house basis and became public on June 2 for a trial period which ended on July 15. Live, gavel-to-gavel radio broadcast to the public began on March 12.

The Committee on Rules and Administration held hearings on July 16, 24, and 25, on the question of permanent television coverage, reviewing evaluations of the television test period received from individual Senators, the Architect of the Capitol, the Secretary of the Senate, and the Sergeant at Arms. On July 16, the Committee reported a resolution (see S.Res. 447) prohibiting the use of videotapes of Senate floor proceedings for political or commercial purposes. S.Res. 447 received no floor action. In addition, on July 25, the Committee authorized the purchase of additional video and sound equipment, the renovation of the Senate television studio to make it a permanent facility, and a limitation on the number and size of charts and other graphics used by Senators during floor debate.

In addition to the authorization of television and radio coverage of Senate floor proceedings, the most notable change adopted in S.Res. 28 was a reduction in the debate time permitted in the post-cloture period, from the current 100 hours to 30 hours. (See Cloture and Post-Cloture Procedures.) Other rules changes included: (1) a reduction in the current requirement that committee reports be available to Senators 3 days before floor consideration is in order to 2 days; (2) the elimination of the Committee of the Whole procedure for the consideration of treaties in Executive Session; (3) a requirement that copies of conference reports be available on each Senator's desk before floor consideration is in order; and (4) the establishment of a non-debatable motion to waive the reading of the Journal. Pursuant to a provision of S.Res. 28, these rules changes became permanent on July 29, 1986, when the Senate voted to continue live television and radio coverage of its proceedings.

Prior to the adoption of S.Res. 28, no regular public broadcast of the Senate's floor proceedings, television or radio, existed. The Senate had, however, permitted television and radio coverage of its committee meetings. The House of Representatives has televised its floor proceedings since 1979. Proposals for televising floor proceedings of the Senate date from the 1940s; since 1981 and through the final session of the 98th Congress in 1984, this issue was debated at length on the floor and in the Committee on Rules and Administration.

On Feb. 3, 1986, the Senate began floor consideration of S.Res. 28, providing for the immediate establishment of continuous in-house, closed-circuit television coverage of Senate floor proceedings. (See Reports and Congressional Documents, U.S. Congress, Senate.) On Feb. 19, 1986, debate shifted to the Dole/Byrd Motion to Recommit S.Res. 28, with instructions. The instructions were to report the Resolution back to the floor forthwith, adding several changes to the Senate rules of procedure. The Senate adopted the Motion to Recommit with instructions on Feb. 20, 1986, by a vote of 81-9. Rules changes authorized in the Instructions included a) limiting debate on the motion to proceed to two hours, b) providing for a motion to invoke germaneness by a 3/5 vote, and c) raising the threshold of votes needed to invoke cloture, but reducing the post-cloture debate period from 100 hours to 20 hours. On Feb. 26, the Senate voted, 60-37, to adopt a motion by Senator Armstrong to strike the germaneness provision from the instructions. On Feb. 27, Senators Dole and Byrd offered a substitute for S.Res. 28, which dropped the provision limiting debate on the motion to proceed, eliminated the increase in the votes required to invoke cloture, and reduced the post-cloture debate period to 30 hours.

The Committee on Rules and Administration favorably reported S.Res. 28 on Nov. 19, 1985 (S.Rept. 99-190). The resolution also authorized public radio broadcast of Senate proceedings. The Committee reported S.Res. 28 with a committee amendment striking all the provisions which proposed changes to the Standing Rules of the Senate to expedite Senate floor proceedings. S.Res. 28 was agreed to in lieu of S.Res. 29, S.Res. 81, and S.Res. 245. In earlier action, the Committee had held hearings on Sept. 17 and 18, 1985 on S.Res. 29 and S.Res. 81, the two alternate proposals to televise Senate proceedings. Testimony was received from Senators Byrd, Armstrong, and Gore in support of Senate television and from Senator Long in opposition to it. Also testifying were representatives from the major networks, regional news directors, media trade associations, and C-Span, the cable network which now transmits gavel-to-gavel coverage of the proceedings of the House of Representatives, all of whom supported televising Senate floor proceedings.

Proponents of televising the Senate argued that doing so would respond to public demand, increase public and media access to congressional information, improve public knowledge about, public respect for, and the national influence of the U.S. Senate. Proponents cited the extensive use of videotapes of House telecasts for educational purposes and argued that Senate telecasts would provide a more complete view of how both houses of Congress operate. Proponents claimed television might encourage shorter, better delivered speeches. They held that television would tend to reveal when remarks were being inflated for effect. They also cited the experience of the House, arguing that television had had little effect on House proceedings, and predicting that it would improve attendance and order on the Senate floor.

Opponents of televising the Senate expressed concern over how the quality of Senate deliberations might be affected by television's tendency to influence and alter the events it covers, by operating as a distraction from legislation or by promoting an emphasis on image rather than substance. They feared that television might induce Senators to speak less spontaneously, at more length, and more frequently, especially during campaign periods. They also feared television's emphasis on the brief and dramatic might render debate more disjointed and less deliberative as Senators sought to please public sentiment. Opponents held that the experience of the House, which operates under strict limitations of time for debate, may not be applicable to the Senate. They also pointed out that the number of one-minute and special order speeches in the House have increased since television.

A final question involved in the controversy over Senate television concerned the relationship between television coverage and possible changes in Senate rules and practices. Certain procedural changes had been advocated as natural concomitants of broadcasting, such as a requirement that Senators vote from their desks, electronic voting, and separate days for committee and floor sessions. Some proponents of television coverage suggested that television coverage necessitates more restrictive rules of procedure upon the Senate, e.g., germaneness requirements in debate, time limitations on debate and on quorum calls, requirements for alternating recognition by party, closer management of floor events, and time agreements constructed with sensitivity to prime broadcast time. They suggested that appropriate procedural changes ought to be established in practice before broadcasts begin. Others argued that such changes would not be found necessary, and that the broadcasts themselves might be the most effective way of reducing public misunderstanding concerning Senate rules and procedure.

The Pearson-Ribicoff report opposed gavel-to-gavel television coverage of Senate floor proceedings and proposed that only debate on major issues (to be selected by the leadership) be televised. It further suggested that broadcasts take place only when the Senate was meeting all or most of a given week and that broadcasts be limited to one or two a week, not to exceed two or three hours each.

LEGISLATION

S.Res. 2 (Byrd)
Amends Standing Rules of the Senate to improve Senate procedures. Submitted Jan. 3, 1985; laid over under Rule XIV.

S.Res. 20 (Byrd)
Amends Senate Rule XXII to reform cloture and post-cloture procedures. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 21 (Byrd)
Prohibits polling from committees. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 22 (Byrd)
Improves procedures governing the consideration of treaties. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 23 (Byrd)
Provides for electronic voting in the Senate. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 24 (Byrd)
Limits the offering of legislative amendments to general appropriations bills. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 25 (Byrd)
Limits debate on the motion to proceed to the consideration of a matter. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 26 (Byrd)
Provides for a 2-day layover period for committee reports in lieu of the present 3-day rule. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 27 (Byrd)
Provides for the germaneness of amendments. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 28 (Byrd)
Submitted Jan. 3, 1985; referred to Committee on Rules and Administration. Reported Nov. 19, 1985 (S.Rept. 99-190). Senate began floor consideration of S.Res. 28 on Feb. 3. The Senate agreed, with amendments, to S.Res. 28 on Feb. 27, 1986, by a vote of 67-21.

S.Res. 29 (Byrd, et.al.)
Provides for television and radio broadcast coverage of Senate floor proceedings (identical to sections of S.Res. 2 and S.Res. -28). Submitted Jan. 3, 1985; referred to Committee on Rules and Administration. Hearings held Sept. 17 and 18, 1985. S.Res. 28 reported in lieu.

S.Res. 31 (Quayle)
Improves the operation of the Senate committee system. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 32 (Stevens)
Reforms the Standing Rules of the Senate (identical to S.Res. 461 of the 98th Congress). Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 33 (Hatch)
Provides for a statement of constitutional authority prior to the consideration of a bill or resolution. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

S.Res. 44 (Ford)
Provides for the adoption of time agreements by a 4/5 vote of members present and voting. Submitted Jan. 22, 1985; referred to Committee on Rules and Administration.

S.Res. 45 (Ford)
Provides for a two-hour limitation of debate on any motion to proceed to the consideration of a matter. Submitted Jan. 22, 1985; referred to Committee on Rules and Administration.

S.Res. 46 (Ford)
Provides for a motion to prohibit non-germane amendments. Submitted Jan. 22, 1985; referred to Committee on Rules and Administration.

S.Res. 47 (Ford)
Requires a two-thirds vote on any appeals of the ruling of the Chair on questions of germaneness. Submitted Jan. 22, 1985; referred to Committee on Rules and Administration.

S.Res. 81 (Armstrong)
Authorizes television and radio coverage of the Senate. Submitted Feb. 27, 1985; referred to Committee on Rules and Administration. Hearings held Sept. 17 and 18, 1985. S.Res. 28 reported in lieu.

S.Res. 157 (Evans et al.)
Establishes a temporary select committee to study the congressional budget process. Submitted May 7, 1985; referred to Committee on Rules and Administration.

S.Res. 159 (Mathias)
Establishes a Select Committee to study and make recommendations with respect to a 2-year budget process. Reported as an original resolution from Committee on Rules and Administration on May 9, 1985 (S.Rept. 99-45). Agreed to by Senate on May 17, 1985. Passage vitiated by unanimous consent on May 20, 1985. Resolution offered in amendment form by Senator Quayle to H.R. 2942, Legislative Appropriations Act, on July 31, 1985. Amendment withdrawn.

S.Res. 245 (Byrd)
Provides for television and radio broadcast coverage of Senate floor proceedings and amends several of the Standing Rules of the Senate to improve Senate procedures. Submitted Oct. 25, 1985; referred to Committee on Rules and Administration. S.Res. 28 reported in lieu.

S.Res. 330 (Denton et al.)
Establishes a Special Committee on Families, Youth, and Children to study the impact of government policies on, and ways to assist in, matters pertaining to these groups. Submitted Feb. 3, 1986; referred to Committee on Rules and Administration. Hearing held on July 23, 1986.

S.Res. 338 (Bumpers)
Proposes various changes to standing rules of the Senate to expedite Senate procedures. Submitted Feb. 6, 1986; referred to Committee on Rules and Administration.

S.Res. 438 (Byrd and Dole)
Requires the Committee on Rules and Administration to review all existing rules and precedents that apply to impeachment trials in order to recommend to the Senate any necessary revisions. Submitted June 26, 1986; referred to Committee on Rules and Administration.

S.Res. 441 (Dole and Byrd)
Provides for a continuation of television coverage of Senate floor proceedings on a trial basis, notwithstanding the July 15 cut-off date agreed to in S.Res. 28. Submitted June 26, 1986; held at the desk by unanimous consent. Indefinitely postponed on July 15, S.Res. 444 adopted in lieu.

S.Res. 444 (Dole and Byrd)
Provided for continuation of television coverage of the Senate for the period from July 21-July 29, 1986. Submitted, considered, and agreed to by voice vote on July 15, 1986.

S.Res. 447 (Mathias)
Prohibits use of videotapes of Senate floor proceedings for political or commercial purposes. Reported July 16, 1986, by Committee on Rules and Administration as an original measure. Left pending on Senate Legislative Calendar.

S.Con.Res. 5 (Quayle)
Establishes a Joint Committee on Intelligence Oversight. Submitted Jan. 3, 1985; referred to Committee on Rules and Administration.

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----- Submission of S.Res. 81 and statement relating to television and radio coverage of the Senate. Congressional Record, v. 131, Feb. 27, 1985: S2304-S2306.

Boren, Senator David. Television in the Senate. Congressional Record, v. 132, June 25, 1986: S8401.

Bumpers, Senator Dale. TV and Radio Coverage of Senate Proceedings. Congressional Record, v. 132, Feb. 6, 1986: S1113-S1114.

Byrd, Senator Robert. A step forward for representative democracy. Congressional Record, v. 132, June 2, 1986: S6447-S6448.

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----- T.V. and electronic voting devices in the Senate. Congressional Record, v. 131, Jan. 3, 1985: S13-14.

----- TV in the Senate. Congressional Record, v. 132, Feb. 5, 1986: S1008.

Chafee, Senator John. Television Coverage of the Senate. Congressional Record, v. 132, Feb. 6, 1986: S1098.

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----- Don't pull the plug. Congressional Record, v. 132, June 26, 1986: S8810.

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U.S. Congress. Senate. Temporary Select Committee to Study

the Senate Committee System. 98th Congress, 2nd Session, "Report Together With Proposed Resolutions." Dec. 14, 1984. (Senate Prt. 98-254)

Warner, Senator John. Tribute to Senator Howard Baker on televising Senate proceedings. Congressional Record, v. 132, June 2, 1986: S6456-S6457.

CHRONOLOGY OF EVENTS

07/29/86 -- Senate voted 78-21 to continue live radio and television coverage of its floor proceedings on a permanent basis.

07/16/86 -- Committee on Rules and Administration reported S.Res. 447, prohibiting the use of videotapes of Senate floor proceedings for political or commercial purposes.

07/15/86 -- Senate adopted S.Res. 444, continuing television coverage of Senate floor proceedings on a trial basis for the period of July 21 - July 29, 1986.

06/02/86 -- Live, gavel-to-gavel television broadcast to the public of Senate floor proceedings began for a trial period to end July 15.

05/01/86 -- In-house television broadcast of Senate floor proceedings began.

03/12/86 -- Live, gavel-to-gavel, radio transmission of Senate floor proceedings to the public began.

02/27/86 -- Senate adopted S.Res. 28, authorizing immediate live radio broadcasting of Senate floor proceedings to the public and authorizing live, gavel-to-gavel television broadcasting to the public for a trial period beginning June 1 and ending July 15. The Senate also agreed to begin considering on July 29 whether to extend the trial period or to make live television broadcasting permanent. Included in S.Res. 28 were several changes to the Senate's rules of procedure, most notably a reduction in the amount of debate time permitted in the post-cloture period, from the present 100 hours to 30 hours.

02/03/86 -- Senate began floor consideration of S.Res. 28, authorizing television and radio broadcast coverage of proceedings in the Senate chamber.

12/05/85 -- Informal meeting of Senators to discuss quality of life in the Senate. Agreement reached to limit roll-call votes to 15 minutes, to require 11 Senators to second the request for a roll-call vote, to disclose the Senator placing a "hold" on a bill, and to prohibit any roll-call votes after 6 p.m. on a Monday.

11/19/85 -- Committee on Rules and Administration submitted report to accompany S.Res. 28, authorizing television and radio broadcast coverage of proceedings in the Senate chamber (S.Rept. 99-190).

10/29/85 -- Committee on Rules and Administration ordered S.Res. 28, to provide for in-house television and public radio coverage of Senate proceedings, favorably reported in lieu of S.Res. 29, S.Res. 81, and S.Res. 245.

09/17/85 -- Committee on Rules and Administration held hearings on S.Res. 29 and S.Res. 81, proposals to televise Senate floor proceedings. Hearings were continued on Sept. 18, 1985.

05/09/85 -- Committee on Rules and Administration reported S.Res. 159, an original resolution to establish a select committee to study and make recommendations with respect to a 2-year budget process (S.Rept. 99-45).

02/28/85 -- Senate adopted S.Res. 85, the Omnibus Committee Funding Resolution of 1985, authorizing operating funds for all standing, special and select committees of the Senate.

01/24/85 -- Committee on Rules and Administration continued hearings on changes to Senate rules and the committee system.

01/15/85 -- Committee on Rules and Administration held hearing on changes to Senate rules and the committee system, focusing on the report of the Temporary Select Committee to Study the Senate Committee System, the report of the Study Group on Senate Practices and Procedures, and recommendations from individual Senators.

01/03/85 -- Convening of the First Session of the 99th Congress.

12/14/84 -- Temporary Select Committee to Study the Senate Committee System (Quayle Committee) issued its final report, with resolutions (S.Prt. 98-254).

10/12/84 -- Sine die adjournment of the 98th Congress.

07/31/84 -- Temporary Select Committee to Study the Senate Committee System (Quayle Committee) held two days of hearings on proposals for the reform of the Senate committee system.

05/09/83 -- Rules and Administration Committee held hearing on report of the Pearson-Ribicoff Study Group on Senate Practices and Procedures on possible changes to Senate rules.

04/05/83 -- Pearson-Ribicoff Study Group submitted its draft report to the Rules and Administration Committee. (S.Prt. 98-242)

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CONGRESSIONAL BUDGET PROCESS REFORM

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by

Edward Davis

Government Division

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CONGRESSIONAL BUDGET PROCESS REFORM

SUMMARY

In the 100th Congress, the House and Senate have enacted major changes affecting the budget process and face the issue of whether further actions should be taken to modify budgetary procedures.

Prior to the 100th Congress, significant formal changes in budgetary procedure were last made in 1974 and 1985. The Congressional Budget and Impoundment Control Act of 1974 established a congressional budget process, centered around a concurrent resolution on the budget, and established the House and Senate Budget Committees and the Congressional Budget Office. The Balanced Budget and Emergency Deficit Control Act of 1985, commonly referred to as the 1985 Balanced Budget Act or the Gramm-Rudman-Hollings Act, established deficit targets for 6 fiscal years (FY86-91) and emergency procedures for deficit reduction (referred to as sequestration).

Ad hoc changes in practice made from year to year may be as important to the budget process as the more visible and formal developments, such as the 1974 and 1985 Acts. In 1981, for example, President Reagan achieved spectacular success in his legislative program through the innovative use of reconciliation procedures -- a change in practice which did not require any formal amendment of the 1974 Budget Act or House and Senate rules.

During the 100th Congress, Members have continued to express dissatisfaction with the outcome of Federal budget policies and the operation of legislative budget procedures. Throughout much of 1987, attention centered on the need to revise the deficit targets in the 1985 Balanced Budget Act and to restore the automatic "trigger" of sequestration in a constitutional manner. In late September, Congress approved and the President signed H.J.Res. 324 (P.L. 100-119), a debt-limit measure amended in part to include the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987.

P.L. 100-119 revises the deficit targets in the 1985 Balanced Budget Act and extends the goal of budgetary balance by 2 years to FY93. Under the revised procedures, sequestration is triggered by a report issued by the Director of the Office of Management and Budget (OMB). P.L. 100-119 makes additional changes in the sequestration process and adopts other budget process reforms.

Other issues remain on the budget reform agenda. For example, the increasing use of omnibus continuing resolutions in recent years has prompted several reform proposals. President Reagan, who has referred to the budget process as "a sorry spectacle" and pressed for reform, has urged Congress repeatedly to act on a constitutional amendment requiring a balanced budget and to grant him an item veto. In his FY89 budget, the President has also called for the use of a joint budget resolution, separate presentation of regular appropriations bills for presidential approval, enhanced rescission authority, and other reforms.

ISSUE DEFINITION

In the 100th Congress, the House and Senate have enacted major changes affecting the budget process and face the issue of whether further actions should be taken to modify budgetary procedures. The changes enacted thus far center principally on the sequestration process under the 1985 Balanced Budget Act and refinements in procedures under the 1974 Budget Act. Remaining topics on the budget reform agenda include such matters as strengthened enforcement of budget resolutions, changes in procedures governing continuing resolutions, impoundment control, biennial budgeting, and budget coverage.

BACKGROUND AND ANALYSIS

Recent History of Congressional Budget Reform

The Constitution places the "power of the purse" in the hands of Congress -- no taxes may be raised nor funds withdrawn from the Treasury without the enactment of a law. Over the years, the House and Senate have developed procedures for the enactment of revenue, spending, and debt-limit legislation. These procedures are based on the standing rules of each House, on statutory provisions, and on ad hoc practices.

Although the power of the purse rests with Congress, responsibilities in the Federal budget process are shared between the legislature and the executive. Under the Budget and Accounting Act of 1921, as amended (P.L. 67-13), the President is required to submit his budget recommendations to Congress each year. He is assisted in this effort by the Office of Management and Budget (OMB), formerly the Bureau of the Budget. In addition, the 1921 Act also established the General Accounting Office (GAO), headed by the Comptroller General, as the principal auditing arm of the Federal Government.

Congress has made many changes in its budgetary procedures over the years. For example, the House and Senate created the Appropriations Committees shortly after the Civil War. Following the erosion of their jurisdiction between 1880 and 1920, their control over appropriations acts was reestablished in 1921 in conjunction with reform of the executive budget process. In 1948 and 1949, Congress attempted unsuccessfully to develop a legislative budget; the Appropriations Committees in 1950 incorporated all of the regular appropriations bills into a single, omnibus measure, but abandoned this approach in the following year.

During the recent past, two of the most significant changes in budgetary procedure occurred in 1974 and 1985. The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) established a congressional budget process centered around a "concurrent resolution on the budget," scheduled for adoption prior to legislative consideration of revenue, spending, or debt-limit measures. (The 1974 Budget Act provided for the adoption of two budget resolutions each year, but the Act was amended in 1985 to provide for a single resolution.) The central purpose of the process established by the Act is to coordinate the various revenue, spending, and debt-limit decisions which are made in separate tax bills, appropriations bills, and other measures. To assist Congress in making budget decisions, the 1974 Budget Act established House and Senate Budget Committees and the Congressional Budget Office (CBO).

The Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177), commonly referred to as the 1985 Balanced Budget or the Gramm-Rudman-Hollings Act, established deficit targets for 6 years beginning with FY86 and leading to a balanced budget by FY91. The Act provides for the elimination of any deficit during these years in excess of the amounts allowed under the Act through emergency procedures known generally as sequestration. Sequestration involves the issuance of a presidential order cancelling budgetary resources (spending) in order to reduce the deficit by the required amount for that year. The Act also made extensive changes in the 1974 Budget Act.

Past changes in budget procedure have been prompted by common concerns. Both the 1974 Budget Act and the 1985 Balanced Budget Act, for example, were enacted in response partly to persistent deficits. However, each major budget reform also has been prompted by factors unique to the circumstances existing at the time. The 1974 Budget Act ensued largely from a belief that Congress had surrendered too much of its fiscal powers to the President and that it needed a more coordinated and systematic means of making budget decisions; President Nixon had challenged Congress by impounding billions of dollars for policy reasons and had castigated Congress repeatedly for its procedural inadequacies. The 1985 Balanced Budget Act rests on the premise that both Congress and the President need the specter of draconian, across-the-board spending cuts to force them to negotiate more acceptable deficit reduction alternatives; President Reagan has been at odds with majorities in both Houses during the last several years over basic budget policies, particularly with regard to defense spending and revenue increases.

Events in the 100th Congress

At the conclusion of the second session of the 99th Congress in October of 1986, it was evident that congressional budget reform would be an important issue before the 100th Congress. Despite some notable legislative accomplishments, such as the Tax Reform Act of 1986, Members expressed continued dissatisfaction with the outcome of Federal budget policies and the operation of legislative budgeting procedures.

Much of the criticism focused on the level of the deficit. Although sequestration under the 1985 Balanced Budget Act had been avoided for FY87 by the enactment of several deficit reduction measures, some Members predicted that the actual deficit would exceed the target by a wide margin, as had occurred the previous year, because of unduly optimistic economic assumptions and other factors. Additionally, some Members complained that the two principal deficit reduction measures for FY87, the Tax Reform Act and the Omnibus Budget Reconciliation Act of 1986, would make deficit reduction even harder in future years. Reconciliation, they maintained, relied on the use of "gimmicks" (e.g., postponing payments so that they fall into the next fiscal year) and one-shot savings (e.g., selling Federal loan assets). The tax reform law was expected to reduce the FY87 deficit by about $11 billion, but to add $15 billion or so to the FY88 and FY89 deficits.

Earlier in the session, in July of 1986, the Supreme Court invalidated the automatic trigger for sequestration (consequently, sequestration could then be triggered only under "fallback" procedures provided in the 1985 Balanced Budget Act only if a joint resolution is enacted). On August 9, the Senate passed a measure raising the debt limit with an amendment restoring an automatic sequestration trigger. The House and Senate did not go to conference on the proposal, however, and Congress extended the debt limit until May 15, 1987. Proponents of the automatic sequestration trigger vowed to renew their efforts at that time.

Events in 1987

President Reagan launched his campaign for budget reform in January 1987. The day before the 100th Congress convened on January 6, he submitted an abbreviated budget including a message calling for budget reform and promising to shortly thereafter outline specific reforms. In his State of the Union Address on January 27, President Reagan referred to the budget process as "a sorry spectacle" and urged Congress to act on a constitutional amendment requiring a balanced budget and to grant him line-item veto authority.

Early in the 100th Congress, the House and Senate each established Democratic and Republican task forces to review budget reform proposals. Additionally, the House Government Operations Committee held wide-ranging hearings on budget reform in March and April and issued a committee print summarizing its findings.

In April and May, the House and Senate Budget Committees considered certain revisions in budget resolution practices during action on the budget resolution for FY88. As finally adopted by the House and Senate on June 23 and June 24, respectively, the FY88 budget resolution (H.Con.Res. 93) contains provisions establishing a reserve fund for defense (tied to the enactment of revenue increases) and proposing policies regarding a special deficit reduction account for revenue increases, the treatment of asset sales and loan prepayments in the budget process, and other matters.

The Senate took up the issue of budget reform in July in the context of action on the debt limit increase. On July 14, a week prior to floor action on the debt-limit measure, the Senate Budget Committee received testimony from OMB Director James Miller and then Acting CBO Director Edward Gramlich on proposals to revise sequestration procedures under the 1985 Balanced Budget Act. On July 21, the Senate began consideration of H.J.Res. 324. The measure, providing an increase in the debt limit for FY88 (but containing no other provisions), was deemed to have passed the House on June 23 under the automatic procedure established by House Rule XLIX. The Senate passed H.J.Res. 324 on July 31 (by a vote of 54-31) with amendments that increased the debt limit until May 1, 1989, revised sequestration procedures, and made changes in the budget process.

Because it had not acted on budget reform proposals, the House on August 4 agreed to a motion offered by Representative Michel, the House Republican Leader, instructing the House conferees to agree to language that would restore automatic sequestration and allow flexibility in cutting military personnel accounts to protect combat readiness.

House-Senate conferees on H.J.Res. 324, led by Senator Bentsen (chairman of the Senate Finance Committee) and Representative Rostenkowski (chairman of the House Ways and Means Committee) met August 4-7, but were unable to reach agreement before Congress adjourned for the August recess. Before adjourning, Congress enacted an increase in the debt limit through September 23.

Shortly after Congress reconvened on September 9, the conferees resumed their deliberations on H.J.Res. 324. The conference report (H.Rept. 100-313) was filed on September 21. On September 22, the House agreed to the conference report by a vote of 230-176. The following day, the Senate agreed to the conference report by a vote of 64-34, thereby clearing the measure for the President. President Reagan signed the measure into law on September 29 (P.L. 100-119).

In November, the President and congressional leaders held a budget summit in response to the October stock market crash. The ensuing agreement set out a two-year, $76 billion deficit reduction plan aimed at calming financial markets. As part of the plan, the President and Congress agreed to spending ceilings for defense and domestic discretionary spending for FY88 and FY89 which were enacted in Section 8001 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203). Section 8001 also specifies procedures to ensure that FY88 and FY89 budgetary actions comply with the spending ceilings.

Events in 1988

At the beginning of the second session of the 100th Congress, President Reagan renewed his calls for budget reform. In his State of the Union Address on January 25, he stated that "the budget process has broken down, it needs a drastic overhaul." The President focused much of his criticism on recent congressional action on lengthy, omnibus budget legislation -- specifically the continuing resolution and the reconciliation bill -- and vowed not to sign such measures in the future. Additionally, he again requested that Congress act on his proposals for a balanced-budget amendment to the Constitution and item veto authority.

In his FY89 budget, submitted on February 18, the President reiterated his call for a balanced-budget amendment and item veto authority, and proposed other budget process reforms as well. The additional proposals include conversion of the concurrent budget resolution to a joint resolution signed by the President, strengthened enforcement of budget resolution aggregates, separate presentation of appropriations bills for presidential approval, enhanced rescission authority, biennial budgeting, and a requirement that legislation creating new Federal programs be deficit-neutral.

Congressional interest in budget reform remains keen. On May 17, the Senate Rules and Administration Committee held hearings on proposals to merge the authorization-appropriations process by restructuring the Senate committee system (S.Res. 260) and establish new procedures for considering omnibus continuing resolutions (S. 1835). On June 7, the Senate Governmental Affairs Committee held hearings on biennial budgeting. The National Economic Commission, created by Congress at the end of 1987 to make recommendations on deficit reduction and other issues, held hearings on budget process reform on May 31.

The FY89 budget resolution (H.Con.Res. 268), crafted under the constraints established by the November 1987 budget summit agreement, was approved by the House on May 26 and the Senate on June 6. H.Con.Res. 268 contains provisions specifying that, under certain conditions, legislative initiatives on welfare reform, catastrophic health insurance, and drug control be deficit-neutral. The resolution also includes sense of the Congress provisions regarding the budgetary treatment of trust funds and certain other self-supporting funds, asset sales and loan prepayments.

Overview of Selected Issues

Congressional budget reform, viewed in the broadest sense, could involve a host of diverse, complicated issues relating to procedures under the 1974 Budget Act and the 1985 Balanced Budget Act, the authorizations and appropriations processes, procedures for the consideration of revenue and debt-limit measures, and other matters. The following discussion provides an overview of some of the major issues in congressional budget reform. House and Senate action on H.J.Res. 324 (P.L. 100-119), the debt-limit measure, embraces many, but not all, of these issues.

Sequestration Under the 1985 Balanced Budget Act

In September 1987, Congress enacted changes in the 1985 Balanced Budget Act as part of a measure extending the permanent statutory limit on the public debt. The two major purposes of these changes were: (1) to restore the automatic trigger for sequestration that had been invalidated by court rulings in 1986; and (2) to modify the timetable for achieving a balanced budget in light of persistent high deficits.

The 1985 Balanced Budget Act originally provided that a Presidential sequestration order be triggered automatically upon the issuance of a sequestration report, prepared by the Comptroller General, projecting a deficit for a fiscal year in excess of the amount allowed under the Act. (The Comptroller General's report would give due regard to an earlier sequestration report issued jointly by the OMB and CBO Directors.) This procedure was invalidated by rulings of a special three-judge panel of the U.S. District Court, on Feb. 7, 1986, and of the Supreme Court, on July 7, 1986. The Supreme Court, in Bowsher v. Synar, found the procedure to be unconstitutional because it violated the separation-of-powers doctrine by vesting executive power in a legislative branch officer. In anticipation of the possible invalidation of the automatic triggering procedure, Congress included "fallback" procedures in the Act which provide for the triggering of sequestration upon the enactment into law of a joint resolution setting forth the contents of the joint OMB/CBO sequestration report.

Early in 1987, Congress knew that the FY86 deficit target in the Act had been exceeded by a substantial margin (even though about $12 billion in outlay savings were achieved through sequestration) and the FY87 target was expected to be exceeded as well, although by a lesser amount. The actual deficit for FY86 -- $220.7 billion -- exceeded the statutory target by nearly $50 billion. At the time, the CBO estimate of the FY87 deficit ($157 billion) indicated that the actual deficit for the fiscal year might exceed the statutory target by about $13 billion. A source of even greater concern was the early CBO deficit estimate for FY88, which indicated that the FY88 deficit target, then $108 billion, might be exceeded by as much as $50 billion.

Three proposals emerged early in the session relating to the trigger mechanism. Senator Phil Gramm reintroduced his proposal, which had passed the Senate in 1986 as an amendment to a debt-limit measure, vesting authority for the triggering report in the OMB Director -- who, unlike the Comptroller General, is an executive branch official (S. 75). Representative Foley, the House Majority Leader, proposed reinstating the Comptroller General's role in issuing the report, but giving the President the option to approve or reject it (no measure introduced). Representative Lott introduced a bill delegating the triggering function to a Commission on Deficit Reduction (H.R. 2232).

On July 31, the Senate passed, as part of an amendment to H.J.Res. 324 (Gramm amendment numbered 645), the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987. Under the Senate plan, the OMB Director's report would be the trigger for sequestration and the timeframe would be extended by one year, requiring the budget to be in balance by FY92. Following the Senate action, Chairman Rostenkowski of the House Ways and Means Committee offered a plan (presented in a committee print) to restore an automatic sequestration trigger involving the OMB Director, but for FY88 and FY89 only. The Rostenkowski plan reportedly formed the basis for the House's position on certain issues in the conference on H.J.Res. 324. Both plans proposed many other changes in the sequestration process.

The conference agreement on H.J.Res. 324 incorporated features of both the Senate-passed plan and the Rostenkowski plan regarding sequestration into Title I, which is referred to as the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987. As enacted into law (P.L. 100-119), the agreement extends the timeframe in the Act by 2 years and modifies the deficit targets accordingly (see Table 1).

For FY88 and FY89, the total sequestration amount is capped at $23 billion and $36 billion, respectively; any required sequestration for FY90-93 would have to eliminate the full amount of the deficit excess. Sequestration would be avoided completely for FY89-92 if the deficit excess is less than $10 billion. For FY93, any deficit excess would have to be eliminated.

Sequestration would be triggered automatically for any year in which a sequestration report issued by the OMB Director to the President and Congress estimates a deficit in excess of the amounts allowed under the Act. The OMB Director must give due regard in his report to a sequestration report issued 5 days earlier by the CBO Director.

TABLE 1. Original and Revised Deficit Targets in the 1985 Balanced Budget Act, as Amended
(amounts in $ billions)

Fiscal year	Original target	Revised target
1986	171.9	---
1987	144	---
1988	108	144
1989	72	136
1990	36	100
1991	0	64
1992	---	28
1993	---	0

Under the revised process, the President may choose to exempt some or all military personnel accounts from sequestration as long as he notifies Congress in a timely manner. Further, he may propose changes that lessen or eliminate completely the reductions for some defense programs, projects, and activities (PPAs), as long as greater reductions are made in other defense PPAs so that the total amount of required outlay savings for defense are met. In the latter case, Congress must affirm the proposed changes through the enactment of a joint resolution.

Finally, the revised process establishes an expedited procedure by which Congress can modify the sequestration order issued by the President (increasing or decreasing the amount of sequestration, or eliminating it altogether) through the enactment of a joint resolution.

(For a discussion of the FY88 sequestration process under the revised procedures, see Issue Brief IB87224, Sequestration Actions for FY88 Under the Gramm-Rudman-Hollings Act.)

Budget Resolution Enforcement

The budget resolution adopted each year by Congress sets aggregate budget policies and functional priorities for the next 3 fiscal years. The budget resolution, as a concurrent resolution, is not presented to the President for his approval and does not become law; rather, it serves as an internal guide for congressional action.

Congress enforces the spending and revenue totals in the budget resolution largely through points of order in Title III of the 1974 Budget Act, as amended. Section 311 of the Act bars consideration of spending or revenue legislation if it would cause the aggregate levels in the budget resolution to be breached. Under Section 302 of the Act, aggregate spending totals are allocated to committees and then further subdivided by those committees either by subcommittee or by program. Section 302 also bars the consideration of any spending measure that would cause a committee's spending subdivisions to be exceeded. (The House and Senate apply these procedures differently; for example, the House does not under Section 302 provide for a point of order against violations of outlay amounts.)

Both the House and Senate sometimes waive points of order under Section 302, Section 311, or other sections of the 1974 Budget Act. In the House, such waivers (with one exception) require only a simple majority. The Senate, on the other hand, requires a three-fifths majority (60 votes) for many of these waivers. The three-fifths waiver requirements, which were first established by the 1985 Balanced Budget Act, were extended by P.L. 100-119 (Section 210) to votes on appeals of rulings of the Presiding Officer. Most of these requirements expire at the end of FY93.

Despite these procedures for enforcing budget resolution amounts, some Members claim that outlay levels are not adequately enforced in the House, that the overall defense-nondefense balance is not maintained, and that agreements negotiated between the President and Congress are not binding. Other Members counter that proposals aimed at these problems would not necessarily improve enforcement, and could make reaching agreement on budgetary issues even more difficult and time-consuming.

With regard to the enforcement of outlay levels in the House, the Senate amendments to H.J.Res. 324 (the debt-limit measure) proposed the repeal of Section 311(b) of the Act, known as the "Fazio exception." The exception allows the House to consider spending legislation that violates aggregate amounts in the budget resolution (including total outlays) so long as the new discretionary budget authority or entitlement authority provided in the measure is within the committee's allocation under Section 302. Also, the Senate amendments would have provided for a point of order in the House against legislation violating a committee's subdivision of outlays. The conference agreement on H.J.Res. 324 dropped the Senate proposals.

Some Members also are concerned that the Appropriations Committees, in allocating less spending to the Defense subcommittee and more to the other subcommittees, effectively alter the overall defense-nondefense balance reflected in the functional classifications in the budget resolution. As part of its effort to implement the budget summit agreement for FY88 and FY89 (reached on Nov. 20, 1987), Congress specified aggregate limits for defense and domestic discretionary spending for each of these fiscal years in Section 8001 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203). Section 8001 stipulates that the FY89 budget resolution, and the committee allocations and Appropriations Committees' subdivisions made under the budget resolution, must conform to these limits.

The FY89 budget resolution (H.Con.Res. 268), approved by the House on May 26, 1988 and by the Senate on June 6, 1988, complies with the spending limits specified by the summit agreement, but accomodates certain new spending initiatives by requiring them to be deficit-neutral. For example, Section 6 of H.Con.Res. 268 provides for additional amounts, in excess of the discretionary spending caps, which may be allocated to the appropriate committees of jurisdiction for an anti-drug initiative. However, the resolution also requires that before the additional amounts can be allocated, legislation must be reported to fund the initiative.

In a related vein, President Reagan and others assert that agreements on the levels of defense and nondefense spending would be more meaningful and enforceable if the budget resolution were enacted into law as a joint resolution, rather than being adopted by the House and Senate as a concurrent resolution. Because a joint resolution must be presented to the President for his approval, he would have a formal role in shaping congressional budget policies. President Reagan has recommended this approach in his last two State of the Union addresses and in his FY89 budget.

Reconciliation Procedures

The reconciliation process, a procedure established under the 1974 Budget Act for instructing House and Senate committees to change spending and revenue laws within their jurisdiction, has been the centerpiece of deficit reduction efforts in the 1980s. Increasingly, however, critics have asserted that the process has been used for unintended purposes, making it less effective as a deficit reduction procedure.

Concern over the inclusion of unrelated provisions, referred to as extraneous matter, in reconciliation legislation prompted the Senate during the 99th Congress to adopt a temporary new rule -- originally set to expire on Jan. 2, 1988 -- to curb the practice. The new rule, referred to as the "Byrd rule," was enacted as Title XX of the Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272), as amended by section 7006 of the Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). The House has no comparable rule, though it may adopt special rules reported from the House Rules Committee to control the practice on an ad hoc basis. The House Rules Committee held hearings on the issue in 1986.

Another concern focuses on the types of deficit reduction provisions considered appropriate for reconciliation measures. Some Members argue that certain types of provisions that produce only one-time savings that may yield costs in future years (such as asset sales or the shift of payments and other transactions from one fiscal year to another) should be excluded from reconciliation.

Section 205 of P.L. 100-119 (the debt-limit measure) expands the definition of extraneous matter under the "Byrd rule" to include provisions increasing outlays or decreasing revenues in fiscal years beyond those covered by the reconciliation measure, and extends the expiration date of the rule to Sept. 30, 1992. Additionally, Section 6 of the FY88 budget resolution (H.Con.Res. 93) provides that legislation establishing the special deficit reduction account assumed in the resolution shall not be considered to be extraneous under the "Byrd rule."

In the House, H.R. 2232 would amend House rules to prohibit the inclusion of provisions unrelated to reconciliation instructions to committees, as determined by the House Budget Committee.

P.L. 100-119 also contains a provision (Section 202) which prohibits counting as deficit reduction the transfer of any government transaction -- including any payment, expenditure, asset sale, or revenues -- from one fiscal year to another, with certain exceptions. Section 7 of the FY88 budget resolution expresses the sense of the Congress that amounts realized from asset sales shall not be counted in the congressional budget process. Section 4 of the FY89 budget resolution contains similar sense of the Congress language regarding the budgetary treatment of asset sales.

Annual Appropriations Process

Several proposals are pending to reform the annual appropriations process, particularly with regard to the use of continuing resolutions and the President's authority to veto appropriations acts. Although Congress has relied on continuing resolutions each year since the mid-1950s, in recent years the purpose and scope of these measures have changed dramatically. In the past, continuing resolutions were brief in length, provided funds for a few regular appropriations bills for short periods, and contained little or no substantive legislation. Recently, however, as action on regular appropriations bills has been delayed later each year, Congress has begun to use continuing resolutions as omnibus appropriations measures to enact most or all regular appropriations measures for the full fiscal year, and to include lengthy and controversial legislative provisions.

Because continuing resolutions are usually considered under the pressure of an imminent deadline and, in the House, are not covered by rules against the inclusion of unauthorized appropriations and legislation, many Members complain that it is inappropriate to use them as vehicles for full-year funding and major legislative initiatives.

During the 100th Congress, proposals have been made to provide for an automatic continuing resolution, establish new procedures for the consideration of continuing resolutions, divide omnibus continuing resolutions into separate measures, and grant the President line-item veto authority.

An automatic continuing resolution would establish in permanent law a formula for funding programs for which regular appropriations have not been enacted by the beginning of the fiscal year. Proponents of an automatic continuing resolution seek to balance the need to avoid Government funding crises with incentives for congressional action on regular appropriations bills -- incentives which usually take the form of reduced spending under an automatic formula. They claim that such a device would avoid the annual threat of Government shutdowns and the use of continuing resolutions as omnibus legislative vehicles, while others fear that, without these incentives, Congress may fail to act on regular appropriations bills and those who favor reduced levels of spending for certain programs may gain political advantage.

Other proposals would create new procedures and guidelines for the consideration of continuing resolutions. For example, H.R. 2232 would apply House rules against unauthorized appropriations and legislative provisions in general appropriations measures to long-term continuing resolutions (longer than 30 days duration), and would limit short-term continuing resolutions (30 days or less) to certain restricted funding levels. H.R. 2232 would also require the Appropriations Committees to provide cost estimates of long-term continuing resolutions.

Further, some proposals would require that continuing resolutions be divided into separate measures upon enrollment (each corresponding to a regular appropriations act), thereby giving the President the opportunity to consider the merits of each one apart from the others. During consideration of H.J.Res. 324, the Senate rejected (41-48) Evans amendment numbered 650, establishing such procedures for a 2-year period. Senator Evans offered a similar amendment--but which would instead require the conference committee on an omnibus continuing resolution to divide the measure for separate consideration by the House and Senate--to H.J.Res. 395 (continuing appropriations for FY88) on Dec. 11, 1987. The amendment was rejected (44-51). Senator Evans and others have also introduced S. 1835, a measure identical to the amendment offered to H.J.Res. 395. The Senate Committee on Rules and Administration held hearings on S. 1835 on May 17, 1988. In his FY89 budget, the President requested new procedures to ensure separate transmittal of appropriations bills incorporated in full-year continuing resolutions.

President Reagan has again requested line-item veto authority over appropriations measures, and several measures have been introduced in the 100th Congress to grant this authority. During the 99th Congress, the Senate failed to invoke cloture on a measure (S. 43) granting the President item veto authority.

Impoundment Control

Title X of the Congressional Budget and Impoundment Control Act of 1974 (commonly referred to as the Impoundment Control Act) established a procedure for controlling executive impoundments of funds. The Act divides impoundments into two types: (1) rescissions, the permanent cancellation of spending; and (2) deferrals, the temporary delay of spending. Under the Act, funds proposed to be rescinded must be released unless the proposal is approved by Congress within 45 days of continuous session. The Act provided that deferred funds could be withheld for the fiscal year unless either House voted to overturn the deferral; in 1983, however, the Supreme Court in INS v. Chadha struck down the legislative veto as a tool of congressional oversight, thus nullifying the procedure for congressional control of deferrals and raising fears of executive abuse of deferrals to circumvent congressional intent.

Conflict over the President's deferral authority was avoided until early 1986, when the President deferred large amounts of funds, which some Members claimed would harm or even terminate certain programs. Congress disapproved many of the controversial deferrals through action on a supplemental appropriations measure (P.L. 99-349), while certain Members and private groups filed suit in Federal court against the President's use of deferrals under the Impoundment Control Act. In City of New Haven v. United States, Federal courts invalidated the President's deferral authority under the Act, and ordered the release of the deferred funds. The President may still defer funds for strictly managerial or administrative purposes under the Antideficiency Act or in instances where express statutory authority is given.

These and other developments have prompted proposals to amend the Impoundment Control Act. Section 206 of P.L. 100-119 (the debt-limit measure) amends Section 1013 of the Impoundment Control Act to codify the Federal Appeals Court decision in the City of New Haven case and certain General Accounting Office interpretations regarding the President's deferral authority. The amendment, in part, prohibits so-called policy deferrals -- deferrals intended to accomplish policy objectives instead of managerial or administrative efficiency -- and specifies the conditions under which deferrals would be permissible. In addition, Section 207 of P.L. 100-119 amends Section 1012 of the Impoundment Control Act to prohibit the resubmission of rescission proposals in cases where Congress has previously rejected the proposal.

Conversely, pressure to reduce the deficit has prompted legislation in the 100th Congress to strengthen the President's impoundment authority, particularly with respect to rescissions. Proposals to strengthen the President's rescission authority can be classified into two basic types: (1) proposals for enhanced rescission authority, and (2) proposals for expedited review of rescissions. Under most proposals for enhanced rescission authority, proposed rescissions would remain in effect unless disapproved by Congress in legislation requiring the President's signature, thereby reversing the burden of action under current law. Under most proposals for expedited review of rescissions, a timetable and expedited procedures would be established for congressional review of rescission proposals. The President has requested enhanced rescission authority in his FY89 budget.

Other Issues

Many other proposals to change the congressional budget process have been made so far in the 100th Congress, including biennial budgeting, capital budgeting, taking certain activities off-budget, credit budget reform, a constitutional amendment requiring a balanced budget, and the merger of the authorizations and appropriations processes.

In the case of biennial budgeting (i.e., some combination of 2-year appropriations, 2-year authorizations, and binding 2-year budget resolutions), supporters claim that lengthening the budgetary cycle would ease the crowded budgetary agenda; permit more time for oversight; and avoid the need for stop-gap measures, such as continuing resolutions, to prevent Government shutdowns. Opponents maintain, in part, that the current budgetary problems of delay, stalemate, and legislative crowding result from the inability of the President and Congress to reach basic political agreement on substantive issues, and probably would not be solved by simply expanding the period during which budgetary legislation can be considered. Section 201 of P.L. 100-119 (the debt-limit measure) contains a provision urging an experiment with 2-year appropriations. In his FY89 budget, the President called on Congress to adopt a biennial budget cycle. On June 7, 1988 the Senate Committee on Governmental Affairs held hearings on biennial budgeting.

Other proposals address the issue of coverage of the budget, such as establishing a separate capital budget and taking certain programs off-budget. Supporters of a separate capital budget claim that it would improve planning and more accurately reflect the costs and benefits of capital investments. Many fear, however, that a capital budget would be hard to define, that it would insulate certain spending categories from regular review, and could obscure actual levels of spending and the deficit.

The current debate over whether to take certain activities off-budget focuses principally on programs financed by trust funds and other self-supporting funds. Advocates of taking such programs off-budget maintain, in part, that certain self-financed activities should be exempt from the uncertainties of annual budget politics, and that including trust fund balances -- most of which are in surplus -- in the budget totals underestimates the deficit level. Opponents counter that taking programs off-budget makes them less accountable and may lead to increased spending. The FY89 budget resolution (H.Con.Res. 268) contains sense of the Congress language that the National Economic Commission should study and report on the budgetary treatment of trust funds and other self-supporting funds. On June 21, 1988 the House passed H.R. 4150 (390-16), which would place the budgetary transactions of the Postal Service off-budget.

In the area of credit reform, President Reagan has proposed an overhaul of the budgetary treatment of credit activities. His proposals, introduced as H.R. 1754 and S. 745, are aimed in part at identifying and controlling more effectively the subsidy element of credit programs by subjecting them to the annual appropriations process. Section 212 of P.L. 100-119 requires the Congressional Budget Office to report on credit activities in FY87 and FY88 and make recommendations on credit reform.

Measures proposing a balanced budget amendment to the Constitution have also been reintroduced in the 100th Congress. The Senate considered such a measure (S.J.Res. 225) during the 99th Congress, but rejected it on Mar. 25, 1986, by a vote of 66-34 (two-thirds of the Senate -- 67 votes -- being necessary to propose an amendment to the Constitution). In the 100th Congress, during consideration of a trade bill (S. 1420), the Senate on June 27, 1987, approved language encouraging Congress to propose a balanced budget amendment by Oct. 1, 1987.

Finally, some proposals would merge the authorizations and appropriations processes as part of a realignment of the committee system. For example, S.Res. 260 (Kassebaum, et. al.) would abolish the Senate Appropriations Committee and create 13 new policy and program committees in the Senate, each with legislative and appropriations jurisdiction in specified areas. As part of this proposal, provisions in the Senate rules that separate the authorizations and appropriations processes would be revised accordingly. The Senate Committee on Rules and Administration held hearings on S.Res. 260 on May 17, 1988.

LEGISLATION

P.L. 100-119, H.J.Res. 324

Increasing the statutory limit on the public debt. Increases the statutory limit on the public debt to $2.8 trillion, modifies the sequestration process under the 1985 Balanced Budget Act, and adopts other budget process reforms. Deemed passed in House June 23, 1987. Passed in Senate (54-31), with amendments, July 31. House and Senate reached final agreement Sept. 23. Signed into law Sept. 29, 1987.

H.Con.Res. 93 (W. Gray)

Concurrent Resolution on the Budget, FY88. Sets forth the congressional budget plan for FY88, FY89, and FY90, including aggregate and functional amounts, reconciliation instructions, and certain procedural or miscellaneous provisions. Approved in House (215-201) June 23, 1987, and in Senate (53-46) June 24.

H.Con.Res. 268 (W. Gray)

Concurrent Resolution on the Budget, FY89. Sets forth the congressional budget plan for FY89, FY90, and FY91. Approved in House (201-181) May 26, 1988, and in Senate (58-29) June 6.

CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS

U.S. Congress. Conference Committees. Increasing the statutory limit on the public debt (report to accompany H.J.Res. 324). Washington, U.S. Govt. Print. Off., 1987. 73 p. (100th Congress, 1st session. House. Report no. 100-313.)

U.S. Congress. House. Committee on Government Operations. Reform of the Federal budget process. Hearings. Washington, U.S. Govt. Print. Off., 1987. 389 p.

----- Reform of the Federal budget process: an analysis of major proposals. Washington, U.S. Govt. Print. Off., 1987. 125 p.
At head of title: 100th Congress, 1st session. [Committee print]

U.S. Congress. House. Committee on the Budget. The whole and the parts: piecemeal and integrated approaches to congressional budgeting. Washington, U.S. Govt. Print. Off., 1987. 65 p.
At head of title: 100th Congress, 1st session. [Committee print]

U.S. Congress. Senate. Committee on Governmental Affairs. Proposed budget reforms: a critical analysis. Washington, U.S. Govt. Print. Off., 1988. 160 p.
At head of title: 100th Congress, 2d session. [Committee print]

CHRONOLOGY

06-07-88 --- Senate Committee on Governmental Affairs held hearings on biennial budgeting

05-17-88 --- Senate Committee on Rules and Administration held hearings on S.Res. 260 and S. 1835, proposing changes in the authorization-appropriations process and the consideration of omnibus continuing resolutions, respectively.

02/18/88 --- President Reagan submitted his FY89 budget, including several proposals for reform of the budget process.

01/25/88 --- President Reagan, in his State of the Union Address, renewed his call for budget reform.

11/20/87 --- Budget summit agreement between congressional and Administration negotiators announced. The agreement provided for the establishment of FY88 and FY89 caps on defense and nondefense discretionary spending.

09/29/87 --- President Reagan signed the debt-limit measure (H.J.Res. 324), including amendments to the 1985 Balanced Budget Act, into law (P.L. 100-119).

06/23/87 --- House deemed to have passed H.J.Res. 324, increasing the statutory limit on the public debt, under the automatic procedure established by House Rule XLIX.

05/14/87 --- Congress approved temporary increase in the public debt limit through July 17, 1987 (H.R. 2360, P.L. 100-40), deferring action on budget reform.

03/12/87 --- House Government Operations Committee began hearings on reform of the Federal budget process.

01/27/87 --- President Reagan, in his State of the Union Address, outlined particular budget reforms on his agenda.

01/05/87 --- President submitted his budget for FY88 with a recommendation that Congress consider budget reform.

FOR ADDITIONAL READING

U.S. Library of Congress. Congressional Research Service. Budget process legislation introduced in the Senate during the 100th Congress: comparison of selected measures, by Edward Davis and James Saturno. [Washington] July 1987.
CRS Report 87-611 GOV

----- Debt-limit increase and 1985 Balanced Budget Act reaffirmation: summary of Public Law 100-119 (H.J.Res. 324), by Edward Davis and Robert Keith. [Washington] October 1987.
CRS Report 87-865 GOV

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

August 28, 1984

TO :

FROM : Stanley Bach SBach
Specialist in American National Government
Congressional Organization and Process Section
Government Division
(287-8669)

SUBJECT : Potential Complications and Problems for the House and Bicameral Relations of Some Possible Changes in Senate Rules or Practices Affecting the Authorization-Appropriation Process

As you requested, this memorandum discusses some of the possible implications for the House and bicameral relations that might arise if the Senate were to change its rules or practices governing the authorization and appropriation process, without any corresponding changes in House rules or practices. Because so many proposals have been suggested (including numerous variations on single themes such as biennial budgeting), with different degrees of specificity, this memo can only be introductory and exploratory. Furthermore, this memo concentrates on the complications and problems that implementing these proposals might cause, not their potential advantages.

In what follows, I focus on some of the implications that could flow from each of three general proposals: (1) replacing annual re-authorization requirements with multi-year or permanent authorizations; (2) instituting biennial appropriations, coupled with biennial, multi-year, or permanent authorizations; and (3) combining the authorization and appropriation stages in a way that effectively eliminates the need for authorizations of appropriations. This memo discusses procedural and institutional matters, and does not address any of the policy, political, or other considerations that also may merit attention.

From annual to multi-year or permanent authorizations

One complaint about the current authorization-appropriation process is that each year the House and Senate are supposed to act on too many bills involving too many of the same issues. Because of annual authorization requirements, Congress often debates controversial issues twice--first during consideration of re-authorization bills and then in connection with the related appropriations bills (perhaps after the same issues had been raised during debate on the first budget resolution as well). Members also have criticized annual authorizations for clogging the annual floor schedule, causing duplication of effort by the authorization and appropriations committees, and either delaying enactment of appropriations (resulting in reliance on continuing resolutions) or requiring Congress to enact unauthorized appropriations.

Annual authorizations are a relatively recent phenomenon. Given the problems attributed to them, the Senate could decide to move back from annual to either multi-year or permanent authorizations.

House and Senate rules now are silent on the length of time for which appropriations should be authorized. The Senate could decide, simply as a matter of policy, that it will only approve multi-year or permanent, but not annual, authorizations. If the House does not concur, and passes annual authorizations, the authorization period would become a matter in disagreement for the House and Senate to resolve in conference on each authorization bill. Such a Senate policy probably would not create any special procedural problems for the House. The problems would be policy problems that the House and Senate could resolve within existing procedural rules. However, the Senate might not always prevail in conference, so some annual re-authorization requirements could remain.

A problem might arise for both houses if the House were to vote for a one-year authorization and the Senate for a permanent authorization (or an authorization for some extended period such as five or ten years). In such a case, the conference agreement could well be a compromise--e.g., a two- or three-year authorization. However, neither chamber might have given its conferees a position to defend on the proper authorization level for the second or third year, and the conferees then would have latitude in selecting the authorization level they prefer. Given the support that programs typically enjoy among most members of their authorizing committees, the resulting conference agreement could include second or third-year authorization levels higher than a majority in either house would support.

If anything, a Senate policy against annual authorizations could create a procedural situation disadvantageous to the Senate. If the House were to pass a one-year authorization, the Senate were to pass a multi-year authorization, and the conferees were to accept the Senate position, the authorizations for the second and subsequent years might not be germane to the House bill under its precedents. And House rules allow any Representative to force a separate House floor vote on a non-germane provision of a conference report. For the Senate, therefore, the choice between a one- or multi-year authorization would be one element of a larger conference report that it could only accept or reject (or perhaps recommit). But the House could consider the choice as a separate question, and decide by majority vote whether to accept or reject the multi-year authorization proposed by the Senate, even if that position were supported by a majority of House conferees.

Instead of relying on an informal policy against annual authorizations, the Senate could attempt to enforce that policy by amending its rules to prohibit floor consideration of authorizations for less than two (or more) fiscal years. To have maximum impact, such a rule could apply to House-passed bills (or perhaps only to provisions of House-passed bills) as well as to Senate bills (or provisions thereof) and floor amendments. Otherwise, the multi-year authorization rule would apply only to Senate measures and amendments, and so could have limited effect. However, Senate rules generally do not permit a Senator to make a point of order against a House-passed bill (or a provision of a House-passed bill), and a new rule that did so might strain bicameral relations. The House might object to a procedure by which any one Senator could unilaterally reject House policy decisions that are consistent with its own rules (notwithstanding the authority of the Senate, by majority vote on an appeal, to reverse the Presiding Officer's ruling on the point of order).

Perhaps as an alternative, a Senate rule against annual authorizations could apply to conference reports as well as to Senate bills (or provisions thereof) and amendments. If not, conference reports containing one-year authorizations could still be brought to a vote in the Senate. On the other hand, a Senate rule that prohibited consideration of a conference report containing a one-year authorization might jeopardize necessary legislation, in that any one Senator could kill a conference report that violated the rule (unless, of course, the Senate decided not to enforce its rule).

A Senate rule prohibiting annual authorizations in conference reports also might strain bicameral relations. For example, the Senate could amend its rules to permit a Senator to make a point of order against a conference report that includes an annual authorization, even though initiated by the House in accordance with its own rules. Permitting a single member to make such a point of order is an alternative that the House has rejected in addressing problems of its own caused by Senate rules. Although conference reports can contain non-germane matter, unauthorized appropriations, and legislation on general appropriations bills--all originating in the Senate--that would not have been in order as House floor amendments, House rules do not permit its members to strike any such provision in a conference report, or kill a conference report containing such a provision, simply by making a point of order. Instead, the House disposes of these Senate-initiated provisions by majority vote--either through the use of amendments in technical disagreement or the germaneness procedure mentioned above. The House might look askance at a Senate rule that did not give comparable protection to House-initiated provisions of conference agreements by subjecting them to majority votes rather than points of order.

Biennial authorizations and appropriations

Instead of changing only the authorization process, the Senate could opt for two-year appropriations as well as two-year authorizations. Under one approach, for example, Congress would enact two-year authorizations during one session and two-year appropriations during the other. Under another approach, each year Congress would enact half the two-year appropriations as well as the two-year re-authorizations for appropriations enacted the year before. Alternatively, the Senate could couple biennial appropriations with multi-year or permanent authorizations, thereby reducing the annual workload even more.

The Senate could adopt any one of these approaches by changing its rules or merely by reaching an informal agreement among its members. In either case, unilateral Senate action could cause procedural difficulties and complicate bicameral relations. In the preceding section, I identified some of the problems that might develop over different House and Senate positions on authorization periods and requirements. Even more severe difficulties could accompany those problems if the Senate were also to opt for biennial appropriations without the concurrence of the House.

Assuming that the Senate does not directly challenge the House's traditional interpretation of the origination clause, all general appropriations bills would continue to originate in the House. (The prospects for conflict would be even greater if the Senate were to initiate its own two-year appropriations bills.) If the House were to pass a one-year appropriations bill which is then amended by the Senate to include appropriations for the second year, the Senate would present the House with several unpalatable options.

First, the House could refuse to consider the Senate amendments (and, therefore, refuse to go to conference) on the ground that the Senate amendments violate the House's constitutional prerogatives. The result could be institutional confrontation and delays in enacting necessary appropriations.

Second, the House could receive the Senate amendments and go to conference. But in doing so, the House would effectively relinquish much of its claim to originate general appropriations. There is nothing in the recent historical record to suggest that the House would be prepared to do so, at least on a regular basis. And House resistance would undoubtedly be exacerbated by the fact that the challenge to its traditional prerogative arose from unilateral Senate action.

Third, even if the House were to receive the Senate amendments, the Speaker could refer them to the House Appropriations Committee instead of going directly to conference. The committee then could make its recommendations for second-year funding which the House would consider. Additional delays still would result, however, because the House would act twice on each general appropriations bill--both before and after initial Senate floor consideration--before going to conference.

In short, unilateral Senate insistence on two-year appropriations--either by rule or as a matter of policy--is likely to run directly counter to the House position on origination. This conflict could be resolved eventually in favor of the Senate, but the short-term consequences are likely to be precisely the kinds of delays that proponents of biennial appropriations hope to avoid.

Consolidating authorizations and appropriations

A third, and still more drastic, approach would be to somehow merge the authorization and appropriation processes by eliminating separate authorizations as prerequisites for appropriations. It is more difficult to discuss this approach because proposals for implementing it have not yet been as fully articulated.

One option might be to return, in effect, to an earlier practice when the enactment of a law creating a department or program was taken to be a sufficient and permanent basis for appropriations. Laws would no longer include specific authorization provisions. Under one proposal reported in the press, an enlarged Senate Appropriations Committee would continue to recommend annual appropriations. The remaining Senate committees would be consolidated; presumably they would no longer report authorizations, but they would retain oversight jurisdiction as well as jurisdiction over measures without direct spending implications (except, perhaps, that some of these other committees, such as the Finance Committee, would retain control over major entitlements and the spending they generate).

Alternatively, the Senate could simply abolish its Appropriations Committee and empower its other committees to report appropriations instead of authorizations.

In either case, conflicts and complications with the House would be likely to develop if the House retained its present organization and its current rules governing authorizations, legislation, and appropriations.

The intent of both plans presumably would be to eliminate the need for separate authorization and appropriations bills. Under the first option, the Appropriations Committee probably would have authority to recommend legislation affecting a department's organization, management, policies, responsibilities, and authorities—i.e., "new or general legislation" in the words of Rule XVI--in addition to proposing appropriations. Otherwise, the effect of this option would be to consolidate and enlarge committees without changing their powers or the workload on the Senate floor. And if the Appropriations Committee were to have such power, it would be likely to make all its major recommendations--both for legislation and appropriations—concerning a department or agency in one bill. Otherwise, the Senate would still have to consider separate appropriations and legislative bills, and the reorganization proposal would not achieve one of its fundamental purposes.

Under the other proposal, the current authorizing committees would report appropriations in addition to the legislation they now include in authorization and re-authorization bills. For the same reasons just mentioned, these committees could be expected to combine appropriations and legislative proposals in the same bills. If each committee were to report appropriations in one bill and its legislative recommendations in another, decentralizing appropriations jurisdiction would accomplish little.

In either case, therefore, it is reasonable to anticipate that the Senate would consider combined appropriations-legislative bills, whether reported by a single, enlarged Appropriations Committee or by existing Senate legislative committees now with appropriations jurisdiction as well.

The absence of authorization provisions in such bills might not cause major problems during initial House and Senate floor action. If the Senate were to consider a House-passed authorization bill, it could ignore the authorization or re-authorization provisions or amend them to make it clear that they only apply to the House. (The Senate also could strike them, but that would create unnecessary conflict with the House.) And if the House were to consider a composite Senate bill, it could add the authorization provisions required by its own rules. Senate conferees could then defer to the House on those provisions on the grounds that they are of no concern to the Senate, just as one house normally does not question funding for the other in conferences on legislative branch appropriations bills. (However, other conference-related problems that could arise are discussed on page 11.)

A composite approach might well cause other procedural problems, however, because the Senate would be including appropriations in bills that are not exclusively appropriations bills. If the Senate were to pass a composite Senate bill, that would raise the origination question in the House, and the House could vote to return the bill to the Senate.

If the House received the Senate bill, it presumably would be referred both to the House Appropriations Committee and to the other House committees with jurisdiction over the legislative provisions of the bill. More important, once the Senate bill was reported by all these House committees, the House might not be able to consider it on the floor unless it waived either its prohibition in Rule XXI against appropriations being included in legislative bills or the prohibition in the same rule against including legislation in general appropriations bills. It is difficult to predict if or how the full House would consider a composite Senate bill because House practices and precedents have not developed with such a possibility in view. However, it appears that, one way or the other, the House would either have to change or waive its rules, or it could not consider, amend, and pass the full text of the Senate bill.

One plausible possibility would be for the House to pass the Senate bill, but only after having stricken most or all of the Senate's legislative provisions or most or all of the Senate's appropriations provisions—depending on whether the House takes the Senate bill to be primarily an appropriations bill or primarily a legislative bill. In either event, if the Senate did not then insist on its position, it would have to act on separate legislative and appropriations bills (although it might not have to debate the issues fully a second time).

Alternatively, the Senate could wait for the House to act first, and then add appropriations amendments to House authorization bills or legislative amendments to House appropriations bills. (If the Senate were to distribute appropriations jurisdiction among its legislative committees, a House appropriations bill probably would have to be multiply referred, unless the Senate also were to revamp the jurisdiction of those committees to correspond with the jurisdictions of House Appropriations subcommittees.)

The Senate might be inclined to add appropriations to House-passed authorization bills, both because the Senate should receive those bills from the House before it receives House appropriations bills and because the alternative would be for the Senate to ignore the House authorization bills (which could cause problems for bicameral relations) and await the appropriations bills if it insists on a composite approach. But if the Senate were to add appropriations to House legislative bills and return them to the House, the question of origination would still arise.

If the House decided to receive the Senate amendments, it might go directly to conference with the Senate. However, the House Appropriations Committee might press the Speaker to refer the Senate's appropriations amendments to it for consideration. If so, the House committee could make its recommendations and the House could act on them, but the House might have to either waive or change Rule XXI and delays would result. As in a scenario described above, the same bill would be reported from a House committee and considered on the floor twice--as an authorization bill initially and then as an appropriations bill after the Senate has amended it--before the House would be prepared to go to conference.

A similar situation could develop if the Senate added legislation to House appropriations bills. The origination problem would not arise, but the legislative committees of the House could request referral of the Senate amendments. Assuming again that, if necessary, the House would waive or change Rule XXI so it could consider the Senate amendments (and any proposed amendments of its own legislative committees) on the floor, the resulting delays might be even greater, both because more than one House committee would probably be involved and because the Senate amendments could present issues on which no House committee hearings had yet been held.

If the House were to go directly to conference with the Senate--either on a House authorization bill with Senate appropriations amendments, or on a House appropriations bill with Senate legislative amendments--the House would have no position (other than current law) on the subjects of the Senate's amendments, whether legislative or appropriations (although the Speaker could appoint conferees from the House committee or committees which had not considered the Senate amendments). The same conference would consider both appropriations and policy questions, and no appropriation could be enacted until all the policy questions were resolved. Given the problem that legislative provisions now pose for timely enactment of appropriations, the result could well be still longer delays in completing enactment of necessary appropriations.

A more basic problem could confront the conferees. Clause 2 of House Rule XX prohibits House conferees from agreeing to any Senate amendment that (1) appropriates for an unauthorized purpose, (2) constitutes legislation on a general appropriations bill, or (3) makes an appropriation in a bill other than a general appropriations bill, unless they are first authorized to do so by a separate House floor vote on each such amendment. In practice instead, House conferees report these amendments in technical disagreement so that the House disposes of them one by one after agreeing to a partial conference report.

The bill in conference would include both appropriations and legislation. Thus, many of the conference agreements could be construed to be either legislation on a general appropriations bill or appropriations on a non-appropriations bill, depending on the kind of House bill that the Senate has amended. Moreover, some of the appropriations considered by the conference (at least those subject to annual re-authorizations) might be unauthorized under House rules. If the bill in conference is a House authorization bill to which the Senate has added appropriations, those appropriations would not yet have been authorized by law. On the other hand, if the bill in conference is a House appropriations bill to which the Senate has added legislation, the appropriations also would not yet have been authorized by law because the Senate presumably would not have acted earlier on the House bill authorizing those appropriations. And the same kind of problems could arise if the Senate passed its own composite bill first.

In other words, if the Senate amended its rules to merge the authorization and appropriations stages, it could prove difficult to arrive at conference reports that could be considered as such under current House rules. The most obvious solution suggested by current practices would be for the conferees to report consistently in technical disagreement. Then the House could vote separately on many of the conference recommendations. In some cases, however, the House might reject the conferees' recommendations. If so, those issues would return to the Senate for further debate and perhaps a further conference with the House. Meanwhile, no appropriations would have been enacted.

Generally, composite appropriations-legislative bills could delay the enactment of appropriations. The Senate might consider fewer bills initially, but it might have to devote more time and attention, both in committee and on the floor, to each of them--and then to House amendments. Procedural complications and uncertainties could cause additional short-term delays. And more persistent delays might result from making the enactment of appropriations contingent on the House and Senate reaching agreement on legislative issues routinely included in the same bills.

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It is always difficult to determine in advance how any change in House or Senate rules or practices would reverberate through the legislative process. In the case of the possibilities discussed in this memo, it is particularly hard to predict what would or could happen because the House would face procedural situations that its rules and precedents do not now fully anticipate. It is also possible to over-estimate the difficulties that could result. Some of the potential problems I have mentioned might not arise; others could be resolved informally. The House has adjusted its procedures in the past to take account of Senate rules, and it can do so again. Moreover, the same considerations that would make changes in authorization and appropriations procedures attractive to the Senate could make them attractive to the House as well. The purpose of this memo has been to identify some of the questions that could arise if the Senate acts first or alone, but not to suggest that the questions have no answers.

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CRS REPORT FOR CONGRESS

CONGRESSIONAL APPROACHES TO BIENNIAL BUDGETING

Michael D. Margeson
Technical Information Specialist
June 1, 1979

Revised and updated by
James Saturno
Analyst in American National Government
Government Division

CRS

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ABSTRACT

This report provides a brief analysis of the factors involved in the concept of biennial budgeting, and summarizes some of the major arguments that have been made for and against adopting a two-year budget cycle. An appendix containing a summary of selected proposals for biennial budget legislation is included.

CONGRESSIONAL APPROACHES TO BIENNIAL BUDGETING

The annual budget cycle poses a dilemma for Congress. On one the hand, annual review of authorizations and appropriations provides Congress with an opportunity to influence programs and policies. On the other hand, annual action on these bills may diminish the time and quality for congressional oversight of agency programs.

Another problem related to the annual budget cycle is the timely enactment of authorizations and appropriations bills. The increase in annual authorizations has made it difficult for the legislative and appropriations committees to pass their legislation on time. The May 15 deadline for reporting authorizing legislation was repealed by the 1985 Balanced Budget and Emergency Deficit Control Act (P.L. 99-177) 1/ because of complaints that it did not leave enough time to act. Under the 1974 Congressional Budget Act (P.L.93-344), 2/ as amended, the House Appropriations Committee is now required to report regular appropriations bills by June 10, regardless of actions by authorizing committees. By custom, the Senate waits for bills to originate in the House, and so has no deadline per se. However, the Committee remains dependent upon timely action on authorizations and on the budget resolution, and so the delays continue. The result has been an increase in the use of

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1/ 99 Stat. 1040. This law is also known as the Gramm-Rudman-Hollings Act.

2/ 88 Stat. 297.

continuing resolutions and omnibus spending bills to fund the Government, as well as the perennial chance of Government shutdowns.

This concern has carried over to the executive branch where President Reagan has been an advocate of change in the budget process. Reiterating a familiar theme in his speech of June 16, 1987, he stated the need to reform the process "to stop all the delays and missed deadlines and broken commitments."

Possibly because it is widely used on the State level, biennial budgeting has become one of the chief components of many proposals to reform the budget process. The Senate even proposed an amendment to the Supplemental Appropriations bill for fiscal year 1987 (P.L. 100-71) that expressed the sense of Congress in support of a two-year budget cycle. 3/

The biennial budget sounds like a simple solution: reduce the number of times Congress has to make budget decisions, and the congestion in the process will be reduced as well. Members of Congress know, however, that the issue is more complex than that. According to Louis Fisher, biennial budgeting is often used with no set meaning. 4/ Inasmuch as biennial budgeting can embrace a number of legislative processes, it might refer to any of the following: (1) biennial authorizations; (2) biennial appropriations; (3) two-year budget resolutions; or (4) any combination of the above.

3/ See amendment no. 186 to S. Con. Res. 49, proposed by Senator Roth, Congressional Record, Daily Edition, V. 133, May 6, 1987. p. S6130.

4/ Fisher, Louis. Annual Authorizations: Durable Roadblocks to Biennial Budgeting. Public Budgeting and Finance, V. 3, no. 1, spring 1983. p. 23.

AUTHORIZATION PROCESS

Although Article I, Section 9 of the U.S. Constitution reads, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law. . .," it does not mention the authorization process. Rather, most authorizations are fixed by statute and recognized in the Rules of the House and Senate. Rule XXI of the House provides that "No appropriation shall be reported in any general appropriation bill, or be in order as an amendment for any expenditure not previously authorized by law. . . ." Rule XVI of the Senate contains a similar prohibition. These rules assume that a division of labor should exist between the authorization of programs and the appropriation of monies to finance them, and indeed, for most of its history the U.S. Government has observed this division. 5/

Authorizations may be classified according to their duration. Permanent authorizations last for an indefinite period of time, until altered or terminated by Congress: multiyear authorizations are established for a specified period of time, typically two to five years; and annual authorizations last for one year and must be renewed annually if the particular program is to continue. 6/

Prior to World War II authorizations were usually permanent. It has been estimated that at the end of World War II ninety-five percent of Federal

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5/ During the late nineteenth century jurisdiction over several appropriations bills was transfered from the House Appropriations Committee to various authorizing committees as a part of a power strugle for control of the House. The Senate later followed suit. Jurisdiction was restored to the Appropriations Committees in 1920 and 1922 respectively.

6/ This is generally the case, although an authorization could lapse, and the program could continue through an unauthorized appropriation. CBO data shows that 15.2% of nondefense discretionary appropriations were subject to annual authorization, but only 3.2% were authorized for 1987.

spending, exclusive of one-time projects, was under permanent authorization. 7/ Since the war, the growth of Federal programs has been paralled by the efforts of Congress to exert a level of influence over them. They have accomplished this, in part, by enacting more annual authorizations, and by converting some permanent authorizations to periodic cycles.

During the last two decades several agencies have come under the requirement for annual authorizations. The State Department and the United States Information Agency were converted from their permanent authorization status by the Foreign Assistance Act of 1971 (P.L. 92-226), which prohibited appropriations to either agency "for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress." 8/ Other agencies that have also gone to annual authorizations in recent years include the Department of Energy, the Department of Justice, the Department of Defense and the various U.S. intelligence agencies. 9/ Annual authorizations have become popular with some legislative

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7/ U.S. Congress. Senate. Committee on Government Operations, Subcommittee on Budgeting, Management and Expenditures. Improving Congressional Control Over the Budget: A Compendium of Materials. Committee Print, 93rd Cong., 2nd Sess. Washington, U.S. Govt. Print. Off., 1973. p. 262 (Hereafter cited as Senate Government Operations Committee, Improving Congressional Control Over the Budget); and U.S. Congress. House. Committee on the Budget. Congressional Control of Expenditures. Committee Print, 95th Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1977. p. 19. (Hereafter cited as House Budget Committee, Congressional Control of Expenditures)

8/ Oleszek, Walter J. Congressional Procedures and the Policy Process. Washington, Congressional Quarterly Press, 1978. p. 205; U.S. Library of Congress. Congressional Research Service. Budget Concepts and Terminology: The Appropriations Phase. Report, by Louis Fisher, November 21, 1974. Washington, 1974. pp. 20-21; and House Budget Committee, Congressional Control of Expenditures, p. 44.

9/ Fisher, Annual Authorizations, p. 26.

committees because they strengthen committee control over programs and agencies within their jurisdiction and give committees greater influence in policy and spending decisions.

Despite this recent movement towards annual authorizations, proponents of biennial budgeting contend that two-year authorizations are preferable. Supporters assert that biennial authorizations would help to relieve Congress' heavy workload each year by eliminating the problem of considering annual authorizations. During hearings held by the 95th Congress on congressional procedure, a number of witnesses stated that a major problem in the House is finding time to give full consideration to measures in committee and on the House floor. Frequently, because of the workload, some important measures were seen to have been given only perfunctory consideration. 10/

By relieving the heavy workload, it is held that biennial authorizations would permit more time for oversight activities. A complaint common to Congress is that committees lack the time to perform this function. A two-year authorization cycle, it is asserted, would allow the legislative committees to review programs more systematically and would result in better planning by Congress and the agencies. The time for more thorough oversight would be available because authorizing legislation would have to be enacted every two years rather than annually. 11/

Biennial authorizations are also depicted as encouraging the orderly consideration of authorizations and appropriations, and relieving the

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10/ U.S. Congress. House. Committee on Rules, Subcommittee on the Rules and Organization of the House. Hearings on Congressional Procedures, 95th Cong., 2nd Sess., July 31, 1978. Washington, U.S. Govt. Print. Off., 1979. p. 600. (Hereafter cited as House Rules Committee, Hearings on Congressional Procedure)

11/ Ibid, p. 635.

scheduling problems caused when authorizations are not enacted on time. Some observers of the congressional budget process cite the growth of annual authorizations and the resulting backlog of legislation as the main reason for the delay in the enactment of appropriations bills. 12/

Although, by and large, the trend has been towards annual authorizations in recent years, there have been several small shifts in the direction of longer authorizations as well. In 1979, the State Department moved from an annual to a two-year authorization; in 1981, the international affairs functions of the Treasury Department were returned to a permanent authorization; and in 1981, Congress adopted a two-year authorization for foreign assistance. By far the largest department to be involved in this counter-trend is the Defense Department. A provision included in the 1986 Defense Authorization Act (P.L. 99-145) required that Department to submit to Congress a two-year budget for fiscal years 1988 and 1989. 13/ At this time, the effectiveness of this effort is uncertain, although Senator Nunn, the sponsor of the provision, has stated that, in his opinion, the change would "enable committees and the Defense Department to look further down the road, to have some discussion of policy rather than get caught up in the revolving door of the yearly budget process." 14/

12/ U.S. Congress. House. Committee on the Budget. Legislative History of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-340). Committee Print, 96th Cong., 1st Sess., Washington, U.S. Govt. Print. Off., 1979. p. 37.

13/ See sec. 1405 of the Department of Defense Authorization Act, 1986, P.L. 99-145, 99 Stat. 744; for a discussion of biennial defense authorizations see U.S. Library of Congress. Congressional Research Service. The Effects of a Two-Year Defense Budget Authorization. Report No. 85-940 F, by Alice C. Maroni. Washington, 1985.

14/ As reported in Defense Week, August 5, 1985. p. 5.

Critics of biennial budgeting have enumerated several arguments as to why the advantages put forward would be illusory. These include:

1) the time that is supposed to be devoted to oversight might just as easily be used for other purposes;
2) biennial authorizations would only reduce scheduling problems in the second year of their duration;
3) the need for mid-cycle revisions might become time consuming and burdensome in the "off-year";
4) oversight divorced from authorizations would lack impact;
5) the economic forecasts and technical estimates for the second year would lack the degree of accuracy of current one-year forecasts; and
6) it would be difficult to accommodate changes in priorities.

Clearly no consensus exists as to the advisability of enacting two-year authorizations for all programs and agencies. Although the recent trend has been towards annual authorizations, concern with congressional workload and floor scheduling, as well as the timely consideration of authorizations and appropriations, has led to an increasing interest in two-year authorizations.

One approach to the various problems anticipated for biennial budgets is their selective use. Selectively enacting two-year authorizations might relieve workloads and still provide the flexibility sought by advocates of annual authorizations. It should be noted that a number of Members of Congress have supported biennial budgeting in some circumstances and opposed it in others. 15/ Therefore, the selection of programs for two-year authorizations might focus upon stable and predictable programs rather than those of a more controversial or changing nature.

15/ For example, a number of the Members who voted against the International Development Act of 1979 and its two-year authorization did not contest a two-year authorization for the State Department.

APPROPRIATIONS PROCESS

A second facet of biennial budgeting involves the appropriations process. Some regard the appropriations process as the most effective form of congressional oversight. In Congressional Control of Administration, Joseph P. Harris declares, "The appropriations process is perhaps the most important single control over the departments." 16/ Walter Oleszek describes how the appropriations process leads to effective oversight:

> By cutting off or reducing funds, Congress can abolish agencies or curtail programs; by increasing funds, it can build up neglected program areas. In either case, it has formidable power to shape program areas. 17/

Although the appropriations process is considered to be a significant form of oversight, a number of legislative practices exist that undermine its effectiveness. One of the more significant of these practices is the permanent appropriation. A permanent appropriation is budget authority that becomes available as a result of previously enacted legislation and does not require annual action by Congress.

Permanent appropriations have become a concern to Congress. Roughly half of the annual budget is permanently appropriated and, thus, is not overseen by the appropriations committees. The dilemma faced by Congress is apparent. Permanent appropriations reduce the workload of Congress, but at the expense of oversight by the appropriations committees. Conversely, some permanent appropriations could be terminated, but if these appropriations became annual, the increased workload of Congress might diminish effective oversight.

16/ Harris, Joseph P. Congressional Control of Administration. Washington, The Brookings Institution, 1964. p. 8.

17/ Oleszek, Congressional Procedures and the Policy Process, p. 205.

In an effort to exert more control over the budget, Congress often encourages the use of annual appropriations. The Permanent Appropriations Repeal Act of 1934 made a number of programs that had been permanently funded subject to annual consideration by Congress. 18/ Section 139 of the Legislative Reorganization Act of 1946 ordered the appropriations committees to study existing permanent appropriations "with a view to limiting the number of permanent appropriations and to recommend to their respective House what permanent appropriations, if any, should be discontinued." 19/ In 1966 the Joint Committee on the Organization of Congress declared:

> . . . we strongly believe that an annual appropriations review is the best means of insuring that Federal spending received adequate congressional attention. 20/

Section 253 of the Legislative Reorganization Act of 1970 encourages Congress to insure that appropriations for continuing programs are made annually, 21/ and Section 402 of the Congressional Budget Act directs the relevant committees of both Houses to study permanent appropriations and to recommend terminations or modifications. 22/

Some Members of Congress who are concerned with oversight, but opposed to annual appropriations, favor two-year appropriations. They contend that annual appropriations increase the congressional workload to the detriment of the oversight function. In addition, annual appropriations reduce the

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18/ 48 Stat. 1224; and Fisher, Budget Concepts and Terminology, p. 20.

19/ Ibid; and 60 Stat. 833.

20/ Senate Government Operations Committee, Improving Congressional Control Over the Budget, p. 230.

21/ 84 Stat. 1175.

22/ 84 Stat. 1175; and Fisher, Budget Concepts and Terminology, p. 21.

time that the appropriations committees have to consider the advice of authorizing committees. In short, annual appropriations mean tighter deadlines and less time for planning and the consideration of major policy issues. 23/ According to Allen Schick:

> Annual appropriations might convey the appearance of potent congressional command over expenditures, but the reality might be a legislative body too harried to evaluate any portion effectively. 24/

Proponents contend that biennial appropriations may provide more time for oversight and effective planning as well as dispersing the congressional workload. During the first session of the 95th Congress, Representative Panetta introduced H.R. 9077, the Biennial Budgeting Act, to establish a two-year budget/appropriations cycle. In every Congress since then, he and other members have made similar proposals which seek to change the present system to a two-year fiscal period and budget schedule (see appendix). Although many of these proposals seek to retain the basic framework of the Congressional Budget Act as amended, they stretch it, in various ways, over a two-year period.

Under several of these proposals the first six months of the first year of each two-year congressional term would be devoted to formal oversight of programs and agencies by the legislative committees. The second six months of the first year would be devoted to reporting of the Budget Resolution and authorizing legislation. The second year would be used to pass new authorizations, and, after those had been passed, to adopt appropriations

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23/ House Rules Committee, Hearings on Congressional Procedure, p. 636; and Senate Government Operations Committee, Improving Congressional Control Over the Budget, pp. 229-230.

24/ Ibid, p. 230.

bills. Alternately, in some proposals this calendar is modified to allow for a budget resolution and appropriations in in the first year, with oversight and authorizations in the second. 25/

The intended benefits of the proposals are: (1) more time for oversight; (2) more time for budget planning; and (3) better planning by State and local governments as a result of the certainty of funding for a two-year period.

In a 1977 study of advance budgeting, the Congressional Budget Office (CBO) referred to two-year appropriations as a form of advance budgeting that deserved further consideration. 26/ The report went on to suggest that the appropriations committees establish standards under which programs could be included in a two-year appropriation cycle. 27/

In their words:

> . . . it is probable that for a host of federal activities an annual scrutiny is justified only by habit; they could as well receive funds and their scrutiny two years at a time. 28/

CBO concluded that two-year appropriations would help relieve the workload of Congress and improve the quality of budget decisions. The report

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25/ For a comparison of specific provisions of several biennial budget proposals introduced in the 100th Congress see U.S. Library of Congress. Congressional Research Service. Budget Process Legislation in the Senate During the 100th Congress: Comparison of Selected Measures. Report No. 87-611 GOV, by Edward Davis and James Saturno. Washington, 1987.

26/ In general, advance budgeting refers to the practice of providing binding budgetary information in advance of the time in which it will be used, although not necessarily for two years at a time. With biennial budgeting the second year would by definition be considered as advance budgeting although the first year might not be.

27/ U.S. Congressional Budget Office. Advance Budgeting: A Report to the Congress. Washington, U.S. Govt. Print. Off., 1977, p. 16.

28/ Ibid, p. 15.

also noted the benefits of two-year appropriations on State and local government planning. Biennial appropriations would relieve the uncertainty associated with annual appropriations and permit the State and local governments to plan farther into the future. 29/

Additionally, GAO has also suggested that in considering switching to a biennial budget, Congress concentrate on proposals that place budget actions in the first year of a new Congress, conduct oversight in the second, and adopt a fiscal period beginning January 1 of even numbered years (overlapping a Congress). 30/ GAO support was predicated on the fact that this timetable: (1) places difficult budget votes in a non-election year; and (2) allows the budget to be adopted during the first year of a President's term, providing the opportunity to swiftly implement a new President's program. 31/

In a companion report to the 1977 CBO report, the Office of Management and Budget (OMB) raised several arguments against both biennial and advance appropriations. This report was critical of the concepts, saying, in fact, that the advantages were outweighed by the disadvantages, particularly with regard to short-run flexibility, and that:

29/ Ibid.

30/ See statement of Charles A. Bowsher, Comptroller General of the United States before the Senate Committee on Governmental Affairs, May 5, 1983. Hearings on S. 20, A Bill to Provide for a 2-Year Budget Process, and for Other Purposes, S. Hrg. 98-1025, 98th Cong., 1st Sess., Washington, U.S. Govt. Print. Off., 1984. p. 50.

31/ Ibid.

> . . . there appears to be no general program area, other than aid to State and local governments, in which advance appropriations offer clear-cut benefits. [32]

OMB also pointed out the difficulty of making accurate economic forecasts and devising a fiscal policy for one year; two-year forecasts would be subject to significant error. It was further noted that two-year appropriations might cause agencies to inflate their estimates so as not to be locked into low appropriations for the second year. OMB also pointed out that two-year appropriations would mean less short-term budget control, and that Congress would be hampered in its ability to adjust to changing economic or political priorities.

In order to make these adjustments Congress might have to resort to increased use of supplemental appropriations, or, opponents argue, it might have to rely on some form of enhanced reprogramming and/or rescission powers for the President. This would effectively reduce the ability of Congress to control the purse strings. Additionally, under many of the proposals made, a newly elected Congress would not have the opportunity to influence budget or appropriations actions until the next fiscal period began, a period as long as twenty-one months in some proposals.

An alternative to a comprehensive transition to biennial appropriations is a selective use of them. Although CBO and OMB came to different general conclusions concerning advance appropriations, both have recommended the selective use of biennial appropriations. Such an approach would allow time to study the effectiveness of the two-year cycle, while retaining the flexibility to alter appropriations as political and economic conditions change.

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[32] U.S. Office of Management and Budget. A Study of the Advisability of Submitting the President's Budget and Enacting Budget Authority in Advance of the Current Timetable. Washington, U.S. Govt. Print. Off., 1977. pp. 1, 4-5.

More recently, then Senate Budget Committee Chairman Pete V. Domenici suggested in 1986 that about 90% of the appropriations process is a repetition of the previous year's work, and that there was no reason why Congress "couldn't do it all on a two-year cycle." 33/

THE BUDGET RESOLUTION

One of the most significant reforms introduced by the Congressional Budget Act of 1974 was the creation of the Budget Committees and the budget resolution. The budget process since that time has been centered around a concurrent resolution on the budget which sets aggregate budget policies and functional priorities for Congress. Although it is not a law, and so has no statutory authority, the budget resolution is used to coordinate the budgetary actions of the other committees. The passage of the Balanced Budget and Emergency Deficit Control Act in 1985 gave added importance to the resolution by using it to check compliance with the maximum deficit amounts prescribed in that law. The concern of Congress with the problems of workload, floor scheduling and the timely enactment of authorizations and appropriations predates the current framework of the budget process, as well as the format set up by the 1974 Act, but the process has served to direct the attention of Congress towards the benefits of various reforms.

The Congressional Budget Act included a number of provisions that encourage the Budget Committees and Congress to look beyond the immediate fiscal year. These include provisions that state: (1) the Congressional Budget Office must report to Congress on spending, revenue, surplus or deficit, public

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33/ Quoted in Jonathan Rauch. Biennial Budgeting Taking Root. National Journal, September 27, 1986. p. 2318.

debt and tax expenditures for the coming five years; and (3) the President must project the effects of his budget over five years. In addition, on April 2, 1979, President Carter signed the Public Debt Limit Act (P.L. 96-5) that directed the Budget Committees to submit two alternative multiyear budget plans. The report of the Senate Budget Committee read:

> The dynamism of multi-year budgeting is a dramatic advancement over the static limits of single year planning. Multi-year planning alone can allow Congress to exert firm control over spending, revenues, and the size of a deficit or surplus. [34]

Finally, it should be noted that the Balanced Budget and Emergency Deficit Control Act requires Congress to make a budget resolution that covers three years, including binding figures for the upcoming fiscal year and planning figures for the next two fiscal years.

Not surprisingly then, among the approaches to biennial budgeting that have been suggested is a binding two-year budget resolution. In its 1977 report critical of advance appropriations, OMB did advocate the concept of multiyear budgeting because:

> Both the President and Congress will reap significantly greater benefits from [a] multiyear budgeting approach than would be possible through advance appropriations. [35]

Two-year budget resolutions would provide Congress with budget control by permitting planning and the flexibility to adjust to changing economic conditions. Congress could enact two-year budget resolutions and retain annual appropriations, or possibly enact two-year appropriations on a selective basis. One possible variation of this proposed by Senator Nunn and Representative Conyers during consideration of the 1974 Budget Act was to place half of the authorizations and appropriations in one year, and the other half the following year, all within the framework of a two-year resolution.

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[34] U.S. Congress. Senate. Committee on the Budget. First Concurrent Resolution on the Budget FY 1980. S. Rept. no. 96-68, 96th Cong., 1st Sess., U.S. Govt. Print. Off., 1979. p. 9.

[35] Office of Management and Budget, A Study of the Advisability of Submitting the President's Budget and Enacting Budgetary Authority in Advance of the Current Timetable, p. 6.

Among the proposals advanced by Senator Domenici is a related concept, similar in its focus on flexibility. "It would seem," he has suggested, that "we ought to have one budget resolution that is good for two years and that can be modified simply about every six months." 36/

The selective use of biennial appropriations combined with a two-year budget resolution offers Congress the opportunity to study the effectiveness of a two-year budget cycle while retaining some short-term control of the budget. It might also be useful in determining how congressional workload and floor scheduling would be affected by the change to a two-year cycle, as well as whether or not a decrease in the budgetary workload would encourage greater oversight.

On the other hand, two-year budget resolutions present a number of problems. First, does Congress possess the capability of making accurate economic forecasts for periods of longer than one year? Despite experience with budget projections beyond the current year, many observers are doubtful that such forecasts could be made. At least one analysis suggests that they can't be made. 37/ The net impact of both CBO's and OMB's errors in deficit projection have been in the neighborhood of $30-35 billion in the budget year, and $65-75 billion in the out-year, a record that does not

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36/ Quoted in Rauch, Biennial Budgeting Taking Root, p. 2318.

37/ U.S. Library of Congress. Congressional Research Service. Implications of Uncertainty in Economic Forecastsing Under Gramm-Rudman-Hollings: Options for Congressional Response. Report No. 86- 829 S by David C. Grinnell. Washington, 1986. pp. 24-25.

bode well. It remains to be shown whether flexibility can be balanced with meaningfully binding budget resolutions. Would the second year of a resolution be treated as casually as the out-year projections are under the current system? Secondly, two-year budget resolutions might encourage agencies to submit budget estimates that are higher than necessary in order to avoid defficiency problems during the second year of the cycle. Thirdly, as with two-year appropriations, newly elected Members might have less of an opportunity to influence budget actions until the next fiscal period began.

CONCLUSION

Biennial budgeting is closely tied to the issues of congressional workload, scheduling, and the timely enactment of authorizations and appropriations. It is also tied to the issues of oversight and the ultimate control of the federal purse strings. Because of such broad concerns, and their relationship to biennial budgeting, there has been a wide variety in the provisions of the biennial budget proposals introduced in Congress. The timetable is the biggest question; should the schedule provide for oversight in the first or second year of the biennium, or both? Should the entire budget be dealt with at once, or in a more piecemeal fashion? When should actions on appropriations bills occur? What combination of authorizations, appropriations and the budget resolution should biennial budget reform include? Would adoption of some form of multiyear budgeting help reduce Congress' workload? Would it help to improve the quality of congressional oversight? Would it diminish Congress' powers regarding new programs or its flexibility? To date there are no generally acknowledged answers. Many proposals have been made, but none have yet recieved the support necessary to bring them to the floor.

The responses to such questions reflect a wide variety of opinions. Nevertheless, Congress will need to reach a general consensus on these issues if it is to move forward with consideration of biennial budgeting alternatives.

APPENDIX: BIENNIAL BUDGET LEGISLATION: SELECTED LISTINGS 1977-1987 1/

Measure	Date Introduced	Sponsor	Disposition 2/
100th CONGRESS 3/			
H.R. 22	1/06/87	Panetta	referred to Rules, Gov. Op. 4/
H.R. 33	1/06/87	Daub	referred to Rules, Gov. Op.
H.R. 777	1/27/87	Lloyd	referred to Rules, Gov. Op.
H.R. 805	1/28/87	Penny	referred to Rules, Gov. Op.
H.R. 1558	3/11/87	Hutto	referred to Rules, Gov. Op.
S. 286 5/	1/12/87	Ford	referred to Budget, Gov. Aff. on 1/16/87
S. 416 5/	1/29/87	Roth	referred to Budget, Gov. Aff.
S. 832 5/	3/25/87	Domenici	referred to Budget, Gov. Aff.
S. 1362 5/	6/16/87	Kassebaum	referred to Budget, Gov. Aff.
S. Amdt. No. 186 6/	5/06/87	Roth	tabled 53-45
99th CONGRESS			
H.R. 382	1/03/85	Panetta	referred to Rules, Gov. Op.
H.R. 748	1/28/85	Hutto	referred to Rules, Gov. Op.
H.R. 3461 7/	10/01/85	Edgar	referred to Rules, Gov. Op.
S. 20	1/03/85	Roth	referred to Budget, Gov. Aff.
S. 1556	8/01/85	Ford	referred to Budget, Gov. Aff.
98th CONGRESS			
H.R. 750	1/25/83	Panetta	referred to Rules, Gov. Op.
S. 12	1/26/83	Ford	referred to Rules, Budget, Gov. Aff. on 4/13/83
S. 20	1/26/83	Roth	referred to Budget, Gov. Aff.; Gov. Aff. hearings held 5/05/83 (S.Hrg. 98-1025)
S. 95 8/	1/26/83	Quayle	referred to Budget, Gov. Aff.
S. 922	3/24/83	Cochran	referred to Budget, Gov. Aff.

(footnotes at end of listing)

APPENDIX: BIENNIAL BUDGET LEGISLATION: SELECTED LISTINGS 1977-1987 -- continued

Measure	Date Introduced	Sponsor	Disposition
97th CONGRESS			
H.R. 1010	1/22/81	Panetta	referred to Rules, Gov. Op.
S. 1683	9/30/81	Ford	referred to Budget, Gov. Aff.; Budget hearings held 9/
S. 2008	1/25/82	Quayle	referred to Budget, Gov. Aff.; Budget hearings held 9/
S. 2629	6/15/82	Roth	referred to Budget, Gov. Aff.; Gov. Aff. hearings held 8/19/82; Budget hearings held 9/
S. 2848	8/17/82	Cochran	referred to Budget, Gov. Aff.
S. 2864	8/19/82	Ford	introduced in the Senate
S. Res. 22	1/15/81	Bumpers	referred to Budget, Gov. Aff.
96th CONGRESS			
H.R. 2000	2/08/79	Panetta	referred to Rules, Gov. Op.
S. Res. 197	7/16/79	Bumpers	referred to Rules, Gov. Op.
95th CONGRESS			
H.R. 9077	9/13/77	Panetta	referred to Rules, Gov. Op.
H.R. 10007 10/	11/03/77	Panetta	referred to Rules, Gov. Op.
H.R. 12319 10/	4/24/78	Panetta	referred to Rules, Gov. Op.
H.R. 14351 10/	10/13/78	Panetta	referred to Rules, Gov. Op.

1/ This table provides the date of introduction, chief sponsor and disposition of each measure as listed in the digest file of SCORPIO for its respective Congress.

2/ This column provides the final disposition for all measures in the 95th through 99th Congresses as listed in the digest files of SCORPIO. For measures in the 100th Congress this column represents the measure's status on July 1, 1987.

3/ For a broader listing of budget reform proposals in the 100th Congress U.S. Library of Congress. Congressional Research Service. Budget Reform Legislation in the 100th Congress: Selected Listings. Report No. 87-503 GOV by James Saturno and Thomas Youth. Washington, 1987.

APPENDIX: BIENNIAL BUDGET LEGISLATION: SELECTED LISTINGS 1977-1987 -- continued

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4/ Dates for referrals are the same as the date of introduction except as otherwise noted. Committees of referral are noted as Gov. Op. for House Committee on Government Operations, and as Gov. Aff. for Senate Committee on Governmental Affairs.

5/ For a detailed comparison of specific provisions in these bills see U.S. Library of Congress. Congressional Research Service. Budget Process Legislation Introduced in the Senate During the 100th Congress: Comparison of Selected Measures. Report No. 87-611 GOV by Edward Davis and James Saturno. Washington, 1987.

6/ S. Amdt. No. 197 was introduced as an amendment to S. Con. Res. 49, the Senate version of the fiscal 1988 budget resolution.

7/ H.R. 3461 is identical to H.R. 382.

8/ S. 95 is identical to S. 12.

9/ Hearings were held by the Budget Committee which examined the Ford (S. 1683), Quayle (S. 2008) and Roth (S. 2629) proposals on 9/14, 9/16, 9/21 and 9/23/82.

10/ H.R. 10007, H.R. 12319 and H.R. 14351 are identical to H.R. 9077.

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CRS REPORT FOR CONGRESS

CONGRESSIONAL APPROACHES TO REGULATING CONTINUING RESOLUTIONS: MEASURES INTRODUCED IN THE 100TH CONGRESS

James Saturno
Analyst in American National Government
Government Division

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ABSTRACT

This report provides a brief analysis of congressional approaches to regulating the use of continuing resolutions. It also summarizes measures introduced in the 100th Congress relating to the use of continuing resolutions.

SUMMARY

Although continuing resolutions have been enacted by Congress to provide temporary funding for the Federal Government since 1876, these measures have recently come under increased criticism. Continuing resolutions enacted in the 1980s differ significantly from the type enacted in the past, both in content and duration. Increasingly, they have been used as a substitute for the separate enactment of one or more of the regular appropriations acts.

During his 1988 State of the Union Address, President Reagan took the opportunity to reprove Congress for sending him a full-year continuing resolution, containing all 13 regular appropriations bills, for the second straight year. A number of Members of Congress agree with the President's position, and some of them have either taken public positions to this effect, or introduced legislation to regulate, and in some cases even prohibit, continuing resolutions.

Thus far in the 100th Congress, at least 18 measures have been introduced that would have a significant and direct effect on the use of continuing resolutions, and several that might have a tangential effect. Most of these proposals fit into one of three general categories: those which provide for automatic continuing resolutions; those which restrict the use of continuing resolutions to short periods of time; and those which allow long-term continuing resolutions, but impose significant restrictions on them. There are also some measures which involve reforms in more than one of these categories. Finally, it should be noted that there is some debate regarding whether it would be more effective to take a statutory approach rather than one which seeks to amend the Rules of one house.

CONGRESSIONAL APPROACHES TO REGULATING CONTINUING RESOLUTIONS: MEASURES INTRODUCED IN THE 100TH CONGRESS

Continuing resolutions are joint resolutions enacted by Congress when the new fiscal year is about to begin or has begun to provide budget authority for Federal agencies and programs to continue in operation. These spending measures are called continuing resolutions, or CRS, because their original use was simply to continue funding at a predetermined rate until new spending legislation could be enacted. Typically, continuing resolutions were only a few lines in length, or a few pages at most, and had a short duration. As a stopgap funding measure, continuing resolutions were first used during the 44th Congress, in 1876, and have been used sporadically since then.

In recent years, the use and form of continuing resolutions have changed and expanded. The use of long-term, omnibus continuing resolutions has increased in the 1980s.[1] Although they are still used in the original manner, they have also been used to provide funds for longer durations, even for an entire fiscal year; they have been used to provide new or increased funding, sometimes as a substitute for passing one or more regular appropriations bills; and they have been used to enact various pieces of unrelated legislation. In both FY 1987 and FY 1988, all 13 regular appropriations acts were included in a single joint resolution, the culmination of this recent trend to include an increasingly larger number of regular appropriations acts in an omnibus measure.

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[1] For specific information on the recent use of continuing resolution to enact various regular appropriations bills see U.S. Library of Congress. Congressional Research Service. Regular Appropriations Enacted Separately and in Continuing Appropriations, Fiscal Years 1977 - 1987. CRS report no. 87-826 GOV, by Sandy Streeter. Washington, 1987.

During his State of the Union message, President Reagan reproved the Congress for sending him an omnibus continuing resolution to provide appropriations for fiscal year 1988, rather than sending him the 13 regular appropriations bills separately for his approval. He also threatened to veto any future omnibus continuing resolutions.

There is also pressure within Congress to avoid the use of omnibus continuing resolutions. For example, Representative Robert Michel, the House Republican leader, has observed, "This practice of rolling important legislation and spending bills or other legislative 'must' bills is a shoddy way to legislate." [2] Two days after the President's address, 49 Democratic members of the House of Representatives reportedly sent a letter to Speaker Jim Wright pledging to oppose any future use of the practice. [3] The letter stated that the use of omnibus appropriations "is destructive of the jurisdictions of the authorization committees and prevents the orderly consideration of individual appropriations bills." [4] Eleven other Democrats later expressed support for the letter. In addition, 34 Senators and 76 Representatives later sent separate letters to the President promising support for a veto of any such measure. [5]

During the 100th Congress a number of Members have not only expressed concern about the use of omnibus continuing resolutions, but have introduced a variety of proposals to regulate their use (see Table A for listing).[6] Most of the proposals fit into one of three general categories: those which provide for automatic continuing resolutions; those that restrict their use to short periods of time or require a super-majority for long-term resolutions; and those which allow long-term continuing resolutions, but impose conditions for their use (e.g., requiring that individual appropriations measures incorporated in them be enrolled separately). There are also some measures which take a comprehensive approach involving multiple reforms and so would fall into more than one of these categories. Finally, it should be noted that there is some debate regarding whether it would be more effective to take a statutory approach rather than one which seeks to amend the Rules of one house.

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[2] Quoted in Patrick C. Knudsen. Welfare Plan May be Stripped From Reconciliation Package. Congressional Quarterly, Weekly Report, October 24, 1987. p. 2618.

[3] Kenworthy, Tom. 49 Say Nay to Catchall Spending Bills. Washington Post, February 1, 1988. p. A13.

[4] Ibid.

[5] Haas, Lawrence J.. New Rules of the Game. National Journal, March 19, 1988. p. 732.

AUTOMATIC CONTINUINC RESOLUTIONS

At least four measures introduced in the 100th Congress fall into the first category. In several of these proposals the continuing resolution provisions are part of a larger package for general budget process reform, although this is not always the case. H.R. 2733, H.R. 3847, S. 286 and S. 832 all provide for automatic extensions of funding at a specified level in the event that regular appropriations bills are not enacted by the beginning of the fiscal year (October 1). Usually the level is specified as being the lower of the previous year (or two-year period in the case of biennial budget proposals) or the level proposed in the President's budget.[7]

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[6] For a more general discussion of reform proposals see U.S. Library of Congress. Congressional Research Service. Congressional Budget Process Reform. Issue Brief IB87196, by Edward Davis. April 22, 1988 (updated regularly). Washington, 1988; and U.S. Library of Congress. Congressional Research Service. Budget Process Reform Legislation in the 100th Congress, 1st Session: Selected Listings. CRS Report no. 88-70 GOV, by James Saturno and Thomas Youth. Washington, 1988.

The general intent of automatic continuing resolutions is to remove the threat of shutting down all or part of the Government in the absence of new legislation. Advocates suggest that such measures would also discourage the use of omnibus appropriations measures because they would remove the urgency associated with the passage of recent continuing resolutions.

Critics counter with the argument that the "must" nature of spending legislation, and the threat of shutting down all or part of the Government, is an important aspect of the budgetary process, one that forces all parties to come to some sort of agreement. Automatic funding, they say, would give a President a major advantage in dealing with Congress. Without the threat of shutting down all or part of the Government, a President might be more willing to veto individual appropriations acts which did not conform to his priorities, and thus, Congress would be less able to enforce its own budget priorities. Even within Congress, it might become difficult to secure passage of the more controversial appropriations bills if the previous year's level of funding was available as a fallback position.

RESTRICTIONS TO PROHIBIT, OR MAKE DIFFICULT, LONG-TERM CONTINUING RESOLUTIONS

In the second category, H.Res. 210, H.Res. 229 and H.Res. 271 would all change the Rules of the House to prohibit, or make difficult, consideration of long-term continuing resolutions. In the case of H.Res. 271 this applies to continuing resolutions lasting beyond November 30, while the other two measures apply the prohibition to periods of longer than 90 days. Two other measures, H.R. 3104 and H.R. 3201, do not address short-term continuing resolutions explicitly, but would require a super-majority of at least 60 percent of the Members present and voting in each house to enact full year continuing resolutions.

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[7] For further discussion of this approach see U.S. General Accounting Office. Appropriations: Continuing Resolutions and the Assessment of Automatic Funding Approaches; Report to the Chairman, Committee on Rules, House of Representatives. AFMD-86-16, January 1986. Washington, 1986.

The intent of both of these approaches is similar; they seek to allow Congress the flexibility to enact stopgap funding beyond the end of a fiscal year when necessary, but to prohibit, or make difficult, the use of full-year continuing appropriations. Supporters of this position contend that the use of long-term continuing resolutions distorts the appropriations process, and should only be used only in emergencies. Critics, however, suggest that recent delays in the appropriations process, caused in part by conflict over budget priorities, and pressure to delay final action on appropriations until it is certain what effect the Gramm-Rudman-Hollings sequestration process will have, make their use necessary. They also argue that long-term continuing resolutions are useful in enforcing congressional priorities vis-a-vis the President.

CONDITIONS FOR USE OF LONG-TERM CONTINUING RESOLUTIONS

Some critics of the recent trend towards using continuing resolutions to provide omnibus funding authority feel that they distort congressional behavior because they circumvent the normal legislative process. For example, continuing resolutions are not considered to be general appropriations bills in the House. Because of this they are not subject to House rules against legislating in appropriations measures or appropriating funds without prior authorization.[8] Critics of continuing resolutions argue that this, in turn, leads to the inclusion of extraneous provisions.[9]

Defenders of long-term continuing resolutions argue that such measures can serve to resolve budgetary conflict and to facilitate compromise. In addition, some point out that unauthorized appropriations are often unavoidable because legislation renewing authorization has not been enacted for a variety of reasons. For example, the Democratic Study Group has estimated that 69 percent of the funds appropriated in the House version of the FY 1988 Commerce-Justice-State-Judiciary appropriations bill were for programs without current authorizations.[10]

A number of proposals would impose specific conditions on the use of long-term continuing resolutions. H.Res. 364, for example, would prevent the use of continuing resolutions to provide increased or unauthorized funding. S. 2263 would grant the President special rescission authority with respect to continuing resolutions. Another approach is to require that when individual appropriations bills are combined in a continuing resolution, they be enrolled separately, and presented to the President individually. This would allow him to veto certain appropriations acts and approve others. This approach is central to H.R. 2363, H.R. 3103, H.R. 3199, H.R. 3683 and S. 1835. For all of the measures in this category, the purpose is to correct the perceived abuse of a particular funding mechanism without an outright prohibition. For each of the approaches in this category, however, there are pros and cons.

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[8] House Rule XXI prohibits unauthorized expenditures "except to continue appropriations." Senate Rule XVI bars unauthorized appropriations and legislation in appropriations bills, but the practical effect of these prohibitions is limited by a number of exceptions. For more discussion of this see U.S. Library of Congress. Congressional Research Service. Manual on the Federal Budget Process. Report no. 87-286 GOV, by Allen Schick, Robert Keith, and Edward Davis. Washington, 1987. pp. 51, 52, 59-70.

[9] According to the Comptroller General, when there is a lack or expiration of authorizing legislation, the resolution will act both as authorization and appropriation. U.S. General Accounting Office. Principles of Federal Appropriations Law. Washington, U.S. Govt. Print. Off., 1982. chapter 7, p. 7-17.

[10] Democratic Study Group. Continuing Resolutions. Special Report 100-30, March 25, 1988. p. 9.

Enhanced rescission powers for the President have been proposed in a number of contexts. This report, however, only considers measures which specifically propose enhanced rescission authority over continuing resolutions. Title X of the Congressional Budget and Impoundment Control Act of 1974 [11] defines two types of impoundment authority, and establishes procedures for congressional oversight of each. For a rescission, which entails permanent cancellation, rather than temporary postponement of funding availability, the President may transmit a request to Congress proposing to cancel budget authority for a specific project or activity. If Congress approves the rescission request, then the funds are permanently cancelled. If Congress either disapproves the proposal, or takes no action within 45 days of continuous session, the funds must be released. S. 2263 would provide enhanced rescission powers only with respect to continuing resolutions, and would shift the burden of action to Congress, by requiring that Congress vote to disapprove any rescission proposed by the President in order to reject it (currently, only congressional action to approve proposed rescissions is necessary). Supporters of such expanded rescission authority say that two possible outcomes could result, either one of which would be beneficial in their view. Either the use of long-term continuing resolutions would be discouraged, or the President would be able to use his new power to eliminate wasteful spending. Critics suggest that granting this power would have the effect of delegating too much authority and allowing a President to enforce his own priorities at the expense of Congress. This would give the President a de facto item veto, a power that Congress has, thus far, been unwilling to give to the President.[12]

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[11] P.L. 93-344, 88 Stat. 297, July 12, 1974.

Advocates of proposals for separate enrollment of appropriations measures for presentation to the President see the use of omnibus, full-year continuing resolutions as an infringement on the President's veto authority. They argue that the absence of separate bills prevents the President from exercising his powers in the manner envisioned in the Constitution. They also argue that no President could responsibly afford to veto such an omnibus bill.

Critics of separate enrollment point out that one of the features of any omnibus bill is that its composition operates as a legitimate check against opposition from any quarter, including presidential vetoes. They note that the threat of a veto has been a factor in congressional negotiations with the current administration.[13] They also note that President Reagan has demonstrated a willingness to veto short-term continuing resolutions, shutting down all or part of the Federal Government.[14] Thus, there is no reason to suppose that President Reagan, or his successors, would not veto a long-term continuing resolution if the need arose.

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[12] For a discussion of the item veto see U.S. Library of Congress. Congressional Research Service. The Item Veto: Selected Issues. Issue Brief IB84055, by Gary L. Galemore, March 16, 1988 (updated regularly). Washington, 1988.

[13] For example, the White House publicly issued a list of provisions that would trigger a veto of the full-year continuing resolution for FY 1987. Judith Havemann. Spending Bill's 'Veto Bait' Listed by the White House. Washington Post, October 3, 1986. p. A21.

[14] For example, President Reagan vetoed H.J. Res. 748, a short-term continuing resolution for FY 1987, on October 9, 1986.

COMPREHENSIVE APPROACHES

Two measures introduced by Representative Trent Lott, H.Res. 48 and H.R. 2232, seek to deal with several issues at one time. In H.Res. 48, continuing resolutions of less than 30 days are allowed, but only at "the lesser amount and under the more restrictive authority of the pertinent appropriations measure: as passed by the House; as passed by the Senate; agreed to by a committee of conference; or enacted for the previous fiscal year." Longer term continuing resolutions would be defined in the Rules of the House as "general appropriations" bills, and thus would no longer be considered under special rules as they are now. The resolution would require the full text to be included, not merely references to other measures, and would also require a listing of "any expenditure not previously authorized by law." Finally, it would require a two-thirds majority for consideration of any rule or order from the Rules Committee which waives the Rules of the House with respect to consideration of short- and long-term continuing appropriations measures. H.R. 2232 contains these same restrictions (although it requires only a three-fifths majority for waivers, rather than two-thirds), but also includes enhanced rescission powers for the President with respect to omnibus continuing appropriations measures, as well as several amendments to the Congressional Budget Act of 1974 which would apply to appropriations generally, and not just to continuing resolutions.

OTHER MEASURES

There are, of course, other proposals which might tangentially relate to continuing resolutions. Two of these can be mentioned for illustrative purposes, H.Res. 73 and H.Res. 350. In the former, Legislative Branch Appropriations could only be considered after all other appropriations had been agreed to by the House and Senate. By preventing Congress from funding money itself until after it had provided all other Federal funding, the proposal seeks to provide an incentive for timely consideration of all spending measures. In the latter, all bills would be limited to a single subject. This would create a general prohibition against omnibus measures. If appropriations were defined as a single subject, regardless of the object of the expenditure, this would have little effect on continuing appropriations measures; but if appropriations for different agencies were defined as being different subjects, this would also act as a prohibition against omnibus spending measures.

RULES CHANGES VS. A STATUTORY APPROACH

Finally there is a debate regarding any approach that seeks to control the use of continuing resolutions through a change in the Rules of the House or Senate. [15] Supporters of rules changes argue that formal actions are necessary, and that a waiver could remove any restriction if circumstances required it. They also suggest that the approach of modifying the rules is less drastic than a statutory change in the appropriations law framework. Critics reply that the relative ease of obtaining a waiver of the Rules would limit the effectiveness of this approach. They also counter by arguing that any benefits that could be derived from the reform itself would be outweighed by the prospect of putting one house at a disadvantage in any conference negotiations with the other.

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[15] This argument is chiefly concerned with the Rules of the House because appropriations measures, by custom, originate there. Although changes in the Rules of the Senate could effect the consideration of continuing resolutions, none have been proposed thus far in the 100th Congress that would specifically do this.

TABLE A: Measures Dealing with Continuing Resolutions Introduced in the 100th Congress

Measure	Sponsor	Description
H.Res. 48	Lott	Restricts the use of both short-term and long-term continuing resolutions.
H.Res. 73	Bilirakis	Prohibits consideration of the Legislative Branch Appropriations Act until all other appropriations bills have been agreed to by the House and Senate.
H.Res. 210	Dreier	Amends the Rules of the House of Representatives to prohibit continuing resolutions of longer than 90 days, and restricts their use.
H.Res. 229	Schaefer	Amends the Rules of the House of Representatives to prohibit continuing resolutions of longer than 90 days, and restricts their use.
H.Res. 271	Houghton	Amends the Rules of the House of Representatives to prohibit consideration of long-term, omnibus continuing appropriations (extending beyond November 30).
H.Res. 350	Campbell	Provides that no bill may contain more than one subject.
H.Res. 364	Schroeder	Prohibits the use of continuing resolutions to provide unauthorized funding or increased funding.
H.R. 2232	Lott	Establishes special rescission authority for the President over long-term continuing resolutions, regulate the use of both short- and long-term continuing resolutions, and amend the Congressional Budget Act of 1974.
H.R. 2363	Chandler	Provides that each item of a long-term continuing resolution be enrolled separately for presentation to the President.
H.R. 2733	Schuette	Provides automatic continuing appropriations at the lower of the previous fiscal biennium or the President's budget proposal in the absence of any regular appropriations act. Included as part of an omnibus budget reform proposal.
H.R. 3103	Edwards, M.	Provides that resolutions making continuing resolutions for a full year be presented as a series of separate resolutions.

(continued)

TABLE A: Measures Dealing with Continuing Resolutions Introduced in the 100th Congress--continued

Measure	Sponsor	Description
H.R. 3104	Edwards, M.	Requires a 60 percent majority in the House and Senate for passage of a resolution making continuing appropriations for a full year.
H.R. 3199	Edwards, M.	Provides that resolutions making continuing resolutions for a full year be presented as a series of separate resolutions.
H.R. 3201	Edwards, M.	Requires a 60 percent majority in the House and Senate for passage of a resolution making continuing appropriations for a full year.
H.R. 3683	Chandler	Provides that each title of a long-term continuing resolution be enrolled as a separate joint resolution for presentation to the President.
H.R. 3847	Gekas	Provides automatic continuing appropriations at the lower of the previous fiscal year or the President's budget proposal in the absence of any regular appropriations act.
S. 286	Ford	Provides automatic continuing appropriations at the rate for the previous fiscal year in the absence of any regular appropriations act. Included as part of a biennial budget proposal.
S. 832	Domenici	Provides automatic continuing appropriations at the lower of the previous fiscal biennium or the President's budget proposal in the absence of any regular appropriations act. Included as part of a omnibus budget reform proposal.
S. 1835	Evans	Provides that each title of a long-term continuing resolution be enrolled as a separate joint resolution for presentation to the President.
S. 2263	D'Amato	Establishes special rescission authority for the President over continuing resolutions.

SOURCE: U.S. Library of Congress. Congressional Research Service. Budget Process Reform Legislation in the 100th Congress, 1st Session: Selected Listings. Report no. 88-70 GOV, by James Saturno and Thomas Youth. Washington, 1980; and the Congressional Digest (daily edition) on the date of introduction.

87-497 S

CRS REPORT FOR CONGRESS

INDICATORS OF SENATE ACTIVITY AND WORKLOAD

by
Roger H. Davidson
Senior Specialist in American National Government
and Public Administration

and
Carol Hardy
Analyst in American National Government

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ABSTRACT

This report presents, through tables and charts, various indicators relating to the workload and activity of the U.S. Senate and its committees. For most indicators, the post-World War II period--1947 through 1986--is covered.

Indicators discussed in this report are grouped under five general headings: (1) legislative proposals; (2) committees and assignments; (3) committee activity; (4) floor activity; and (5) legislative products.

The report includes brief comments concerning trends reflected in the data. Methodological and interpretive pitfalls in employing data to describe or evaluate legislative performance are also discussed.

The authors wish to credit Mary L. Dunkley for the secretarial production of this report. Mary Etta Cook and Thomas Kephart, formerly with the Congressional Research Service, compiled statistics for earlier versions of this report, and many of their findings are incorporated here.

CONTENTS

ABSTRACT iii

INTRODUCTION 1

PART ONE: LEGISLATIVE PROPOSALS 5

PART TWO: COMMITTEES AND ASSIGNMENTS 7
  Numbers of Committees and Subcommittees 7
  Committee Assignments 10
  Committee Sizes 12
  Committee Staffing 13

PART THREE: COMMITTEE ACTIVITY 15
  Measures Referred and Reported 15
  Executive Communications 17
  Executive Nominations 18
  Committee Hearings 20
  Other Committee Activities 20

PART FOUR: FLOOR ACTIVITY 23
  Voting on the Floor 23
  Cloture Votes 24

PART FIVE: LEGISLATIVE PRODUCTS 27
  Number and Length of Enacted Bills 27
  Vetoes 28
  Record Votes on Confirmations 29
  Legislative Activity: Summary Tables 30

LIST OF TABLES

1-1 U.S. Senate, Legislative Proposals: 1947-1986 31

2-1 U.S. Senate, Number of Committees and Subcommittees: 1945-1988 33

2-2 U.S. Senate, Committee Assignments: 1945-1988 35

2-3 Average Size of Senate Standing Committees and Their Subcommittees: 1945-1988 37

2-4 Committee on Agriculture, Nutrition, and Forestry 39

2-5 Committee on Appropriations 40

2-6 Committee on Armed Services 41

2-7 Committee on Banking, Housing, and Urban Affairs 42

2-8 Committee on the Budget 43

2-9 Committee on Commerce, Science, and Transportation 44

2-10 Committee on Energy and Natural Resources 45

2-11 Committee on Environment and Public Works 46

2-12 Committee on Finance 47

2-13 Committee on Foreign Relations 48

2-14 Committee on Governmental Affairs 49

2-15 Committee on the Judiciary 50

2-16 Committee on Labor and Human Resources 51

2-17 Committee on Rules and Administration 52

2-18 Committee on Small Business 53

2-19 Committee on Veterans' Affairs 54

2-20 U.S. Senate, Committee Staff: 1947-1986 55

3-1 U.S. Senate, Number of Measures Referred to Senate Standing, Select and Special Committees: 1975-1986 60

3-2 U.S. Senate, Number of Measures Reported by Senate Standing, Select and Special Committees: 1975-1986 61

3-3 U.S. Senate, Referral of Executive Communications, Presidential Messages, Petitions and Memorials to Standing, Select, and Special Committees: 1979-1986 62

3-4 Presidential Nominations, by Committee: 1981-1986 63

3-5 Presidential Nominations, by Month and Year: 1981-1986 64

3-6 U.S. Senate, Committee Hearings: 1981-1986 65

4-1 U.S. Senate, Floor Activity: 1945-1986 66

4-2 U.S. Senate, Cloture Votes: 1919-1986 67

5-1 U.S. Congress, Number and Length of Bills Enacted: 1947-1986 68

5-2 U.S. Congress, Vetoes: 1947-1986 69

5-3 Senate Roll Call Votes on Nominations: 1947-1986 70

5-4 Disposition of Nominations Sent to the Senate: 1947-1986 71

5-5 U.S. Senate, Legislative Activity: 1947-1986 72

5-6 U.S. Senate, Legislative Activity: First Sessions, 1947-1986 73

5-7 U.S. Senate, Legislative Activity: Second Sessions, 1947-1986 74

LIST OF FIGURES

1-1 U.S. Congress, Total Measures Introduced: 1947-1986 32

2-1 Number of Committees and Their Subcommittees: 1957-1988 34

2-2 Assignment Slots Available: 1955-1988 36

2-3 Average Size of Senate Committees and Their Subcommittees: 1945-1988 38

2-4 Staff Size: 1947-1986 59

INTRODUCTION

This report has been prepared in order to provide statistical information on Senate activity and workload--most particularly, the numbers and sizes of committees and subcommittees; numbers of Senators' assignments; numbers of measures introduced, referred, and passed; committee staffing levels; numbers of executive communications and nominations; and patterns of floor activity.

This report is designed to furnish Senators with a single, usable source of data, mostly gleaned from the public record. It draws upon a variety of sources, including earlier CRS reports compiled by Arthur G. Stevens, Jr., and Sula P. Richardson. 1/ In updating these earlier CRS reports, we have added a number of new data categories. In some cases, moreover, we have altered the definitions or the mode of presentation.

This report is intended also to parallel our companion study of the House of Representatives, 2/ a study which attempts to describe committee and floor activity in statistical terms. The present report has a similar organization and emphasis, and wherever possible we have presented statistics comparable to those compiled for the other body. Our intention is to provide benchmarks for comparison and analysis on the part of Members, staff, and outside observers.

1/ Their most recent publication is: Stevens, Arthur G., and Sula P. Richardson, Indicators of Congressional Workload and Activity. (May 1, 1981). CRS Report No. 81-96 GOV.

2/ Davidson, Roger H., and Carol Hardy, Indicators of House of Representatives Workload and Activity. June 8, 1987, CRS Report for Congress, 87-492S.

This report is divided into five sections: (1) legislative proposals; (2) committees and assignments; (3) indicators of committee activity and workload; (4) floor activity; and (5) legislative products. Within each topic, data are presented in a series of tables, augmented in some instances with graphs. Some data are shown by session (year) as well as by Congress (two years). We have endeavored, wherever possible, to compile data for the entire 1947-1986 period (80th through 99th Congresses), because the landmark Legislative Reorganization Act of 1946 forms a convenient watershed in the emergence of the "modern" congressional committee system. In some cases data for the 79th Congress (1945-1946) and earlier Congresses are added, in order to provide comparisons before and after the 1946 Act.

Brief explanations and discussions in each section explain the tables and charts. In many instances, the indicators illuminate or clarify significant trends in the Senate and the environment in which it functions. Fluctuations in the numbers and sizes of committees, for example, reflect the persistent desire of Senators for broad participation in committee activities, punctuated by periodic cutbacks when assignments become too burdensome. By the same token, increases or declines in the numbers of subcommittees may signal meaningful shifts in Senate structure and procedure. In these and many other cases, studying statistical trends can provide useful insights into the operation of the Senate.

Anyone using such data should, however, be aware of their limits. Defining one's terms is critical and not always simple or self-evident. What, for example, is a "measure" that is introduced into the Senate? It may seem simple enough to define a "measure" as any bill or resolution bearing a separate Senate number. But it cannot be assumed that such measures represent separate proposals either in substance or language. Thus, counting the number of measures introduced in a given Congress does not tell us how many different proposals have been put forward, or how many measures Senators sponsor during a given Congress.

Second, collecting the data requires decisions on the methods to be followed--for example, what sources to rely on, what dates to use as benchmarks, and so forth. Numbers and sizes of Senate committees, for example, can vary over the course of a session or a Congress. Should a given month be picked as most representative, or should the figures be aggregated over an entire Congress? Even when rational and consistent guidelines are decided upon, errors or anomalies can creep into the figures.

Finally, if figures are interpreted as indicators of workloads, extra caution must be exercised. Changes in procedures, for example, can produce sizable shifts in numbers that signify very little. For example, the number of measures introduced is affected not only by the political marketplace but also by rules and practices that define when Senate action is, or is not, required. If certain kinds of measures decline over a given period, does that mean that policy demands have abated? Perhaps the Senate has merely transferred the issues to administrative forums. Or perhaps the Senate is "packaging" its legislation differently into longer and more complex forms.

These considerations should be kept in mind in studying the materials included in this report; and great care should be taken in drawing conclusions from the data.

PART ONE: LEGISLATIVE PROPOSALS

Overall trends in the origin and passage of bills and resolutions are displayed in table 1-1 and figure 1-1. As can be seen, the total number of bills and measures introduced in the Senate has stayed fairly constant over the past four decades. This means that the average number of bills per Senator has changed relatively little. In the 99th Congress, about 3400 bills and joint resolutions were introduced, approximately 34 for each of the 100 Senators. This is not very different from the 80th Congress (1947-1948) in which approximately 3,200 measures were introduced, an average of about 33 per Senator. (Bill introduction and sponsorship by individual Senators, of course, varies widely.)

However, the introduction of bills and joint resolutions has fallen somewhat in the past decade from the mid 1960s-to-mid 1970s peak. The data show that during the 95th-99th Congresses (1977-1986), the introduction of bills and joint resolutions averaged approximately 3500 per Congress, down from an average of 4400 per Congress for the 89th-94th Congresses (1965-1976). This represents a decline of approximately 20% over this period of years. More simple and concurrent resolutions have been introduced in recent Congresses (94th-99th) than in any other period since the 80th Congress, however.

Figures on introduction of measures tell nothing about their subject matter or complexity. These no doubt shift over time. The legislative agenda is shaped also by periodic decisions of Congress to include or exclude matters from legislative consideration. The growth of legislative approval and veto provisions, especially in the 1970s, created a new class of legislative actions which resulted in additional proposals (resolutions) and caused extra committee and floor workload. By the same token, certain types of measures (immigration and claims matters come to mind) have been removed from the legislative arena and delegated to administrative agencies or tribunals.

While the number of bills and joint resolutions introduced per Congress has remained fairly steady, today these measures are less likely to gain passage. The success rate for these measures, as determined by the ratio of measures passed to measures introduced, has fallen fairly steadily since the post-World War II years. In addition, since the mid-1960s, the number of bills and resolutions passed has fallen in absolute terms as well. In the immediate postwar years, the Senate passed more than fifty percent of bills and resolutions introduced; today, less than thirty percent are approved. In other words, about half as many bills and joint resolutions were passed in the 99th Congress as were passed thirty years earlier. In sum, although Senators introduce about as many bills as in the past, today they approve fewer of them.

The pattern of introduction and passage of simple and concurrent resolutions does not parallel exactly with that of bills and joint resolutions. The introduction of such resolutions has shown a long term increase, as has their passage. However, the increase in passage has not kept pace with that of introduction, as reflected in a somewhat modest decrease in the ratio of measures passed to measures introduced since the 80th Congress (1947-1948).

One element not captured by these figures is cosponsorship. Senators are permitted unlimited cosponsorship of bills and resolutions; but we do not know whether Senators are more or less attracted to cosponsorship than they used to be. (Changes in rules governing cosponsorship are in large part responsible for the changing volume of measures introduced in the House of Representatives--as reflected in figure 1-1.)

PART TWO: COMMITTEES AND ASSIGNMENTS

Throughout its history the Senate has relied on some form of division of labor through its committees. As the staff of the first Temporary Select Committee to Study the Senate Committee System (the Stevenson-Brock Committee) declared in their 1976 report,

> The extent to which the Senate effectively can write legislation, develop comprehensive policy in advance of crisis, oversee the execution of the laws, and in all these functions truly represent people, groups, and governments, depends largely on the organization and management of its committee system. 3/

The Stevenson-Brock Committee represents the most comprehensive examination of committees undertaken by the Senate. Historical statistics on the committees were compiled and published at that time. This report brings those data up to date. It should be noted that information in this section (and corresponding tables) regarding the numbers of committees and subcommittees, and committee and subcommittee assignments and sizes are current as of May 27, 1987, following some modifications during the 99th Congress due to Senators' departure from, and addition to, standing committees and subcommittees.

NUMBERS OF COMMITTEES AND SUBCOMMITTEES

By any reckoning, the modern Senate has a large number of work groups--committees and subcommittees. The overall tendency has been to increase the number

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3/ U.S. Senate, Temporary Select Committee to Study the Senate Committee System. The Senate Committee System. 94th Congress, 2d session (July 1976). Committee print. p. 5.

of work groups. At periodic intervals, the Senate realigns and consolidates its committees and subcommittees and trims back their numbers. Then begins an upward creep, until another revision is undertaken. The figures are detailed in table 2-1. The Legislative Reorganization Act of 1946 reduced the number of standing committees from 33 to 15. Select and special committees were cut from 7 to 3. Thereafter, between 1947 and 1976, the number of full committees increased only from 15 to 18, but subcommittees doubled in number.

When the first Temporary Select Committee was created to review the situation in 1976, the Senate had a total of 180 panels--18 standing committees, 6 special or select committees, 7 joint committees, and 149 subcommittees. The Select Committee recommended substantial changes, which were referred to the Committee on Rules and Administration and reported in modified form early in 1977. The resulting resolution (S. Res. 4) eliminated three standing committees (District of Columbia; Post Office and Civil Service; and Aeronautical and Space Sciences). Subcommittees were reduced by about one third. As a consequence of the Senate's action, three joint panels (Atomic Energy; Congressional Operations; Defense Production) were also eliminated.

Between 1977 and 1984, the total number of work groups to which Senators were assigned remained relatively unchanged. However, one select committee—Small Business--was made a standing committee in the 97th Congress. Another select committee, Indian Affairs, was created in 1977 and made permanent in 1984. In 1987, the Senate created a Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition.

In 1984, concern over the state of the Senate's committees led to the creation of a second Temporary Select Committee to Study the Senate Committee System. The panel was chaired by Senator Dan Quayle (R-Ind.) and co-chaired by Senator Wendell H. Ford (D-Ky.). The panel concluded that "if Senators will agree to reduce their committee assignments, our committees will be better able to perform their duties and the Senate as a whole will be taken more seriously as a reliable and informed national policymaker." 4/ Thus the Select Committee's recommendations emphasized assignment limits, membership levels, and subcommittee numbers. Specifically, the Quayle Committee proposed: (1) eliminating exceptions to the assignment limits that had been granted to Senators; (2) reducing the number of seats on "A" and "B" committees; (3) limiting to five the number of subcommittees that could be created by any standing committee (with the exception of Appropriations, which would retain its 13 subcommittees); and (4) adopting a "nine-unit rule," limiting Senators to a total of nine assignments on committees and subcommittees.

In response to the Quayle Committee's work, the Senate succeeded in reducing by 14 its number of standing subcommittees in the 99th Congress (Table 2-1). In the 100th Congress, the number was reduced further, by 3. In addition, subcommittees of select and special committees were eliminated, and in the 100th Congress none was created. The number of full committees--standing, select and special, and joint--has remained steady for several Congresses, while the number of joint subcommittees has increased modestly. Thus in the 99th and 100th Congresses, the total number of Senate panels is lower than at any time in the past 30 years. In short, the explosive growth of work groups that marked the 1970s has been reversed. However, the Senate still has more subcommittees than it did prior to the 1946 Reorganization Act (when full committees were more numerous) or in the immediate post-World War II era.

4/ U.S. Senate. Temporary Select Committee to Study the Senate Committee System. Report Together with Proposed Resolutions. S. Rept. 98-254 (98th Congress, 2nd session), p. 5.

COMMITTEE ASSIGNMENTS

The total number of committee and subcommittee assignments has changed little in the past decade. In each Congress from the 95th to the 100th, Senators have held between 10.5 and 11 assignments to panels, except during the 98th when they averaged 12 assignments each. (See table 2-2.) In 1987, there are 1,098 assignments, a figure reminiscent of the early 1960s.

Because complete figures for the early postwar era (1945-1954) are not available, comparisons for those years cannot be made with confidence. In 1955, the first year for which comparable numbers are available, a total of 874 Senate assignments were available. This included seats on standing, select, special, and joint (Senators' seats only) panels, as well as subcommittees of those panels. The average Senator had 9.1 assignments. This represented an average of slightly more than 2 standing committees plus somewhat more than 5 subcommittees of those standing committees.

The number of committee and subcommittee seats rose fairly steadily through the mid-1970s. In 1976, when the Stevenson-Brock Committee made its investigations, there were 1,557 seats available to Senators. This gave the average Senator 15.6 assignments--two to three on standing committees, nearly 10 on subcommittees, and three to four places on special, select and joint committees (and their subcommittees). Even these figures understated the situation. In addition to seats on committees and subcommittees, Senators are assigned to other official bodies--party committees, panels, study groups, and boards and commissions. These range from the Democratic and Republican Policy Committees to the Migratory Bird Conservation Commission and the service academies' boards of visitors. Counting all of these, there were 1,999 positions to be filled by the 100 Senators in 1976--an average of nearly 20 assignments per Senator. 5/

Overburdened senatorial schedules clearly played an important part in persuading Senators to scale down their committee structure in 1977. The total number of committee and subcommittee seats was cut by about one third. For the average Senator, this meant a reduction of about five assignments. Between 1977 and 1984, however, the number of committee and (especially) subcommittee seats again edged upward.

When the Quayle Committee was formed in 1984, Senators held an average of nearly 12 assignments, counting committee and subcommittee seats together. The Committee found that 50 Senators--half the chamber's membership--had been granted a total of 55 exceptions from the assignment limits that had been adopted in 1977 (that is, two "A" committee assignments and one "B" committee). 6/ The panel recommended banning all such exceptions, enforcing the 1977 rules strictly, and cutting back on the number of committee and subcommittee slots. As the Select Committee argued,

> When senators acquire additional committee and subcommittee commitments, it becomes increasingly difficult for them to attend all of the meetings scheduled for each of their panels. This situation frustrates not only each individual senator, but the chairmen of committees when they try to muster a quorum to conduct business. 7/

Attempting to implement the Quayle Committee's recommendations, Senate leaders conducted lengthy negotiations at the beginning of the 99th Congress, with the

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5/ Ibid., p. 6.

6/ U. S. Senate. Temporary Select Committee to Study the Senate Committee System. Report Together with Proposed Resolutions. S. Rept. 98-254 (98th Congress, 2nd session), p. 5.

7/ Ibid., p. 7.

goal of reducing individual Senators' assignments and the total number of committee and subcommittee seats. Eventually, 14 standing subcommittees and a total of 120 assignments were eliminated. The average Senator lost one assignment. However, 37 exceptions, involving 36 Senators, remained during the 99th Congress.

COMMITTEE SIZES

Senate standing committees have grown in size over the past 40 years. (See table 2-3.) In 1947, when the Reorganization Act was implemented, the average committee had slightly more than 13 members; today, the average committee has more than 18 members. Subcommittees have grown from an average of about five members to eight. These numbers, though not large, are significant because Senate committees are relatively small to begin with. In specific cases, the changes are striking. Senate standing committees in 1947 were fixed at 13 members, except for Appropriations with 21. Today, Appropriations has 29 members, Budget (created in 1974) has 24, and four others have 20.

Committee sizes, subcommittees, and assignments for each Senate standing committee are presented in tables 2-4 through 2-19. In most cases the figures date from 1947—the birth of the current committee structure—through 1988. For panels created after 1947, figures span the entire life of the committee. Each table presents the number of full committee members, number of standing subcommittees, the total of subcommittee seats, and the total of committee and subcommittee seats available to Senators.

Committee sizes can be affected by decisions made concerning the overall structure of the committee system. For example, when the Senate eliminated several of its committees in 1977, the size of the average committee rose by two members. The 100th Congress maintained the same number of standing committees and reduced their total subcommittees by three, but increased both units' average size. Thus although the number of standing panels decreased, the number of Senators assigned to them increased.

COMMITTEE STAFFING

An important part of Senate committees is the staff. Table 2-20 presents data on Senate committee staffs from 1947 through 1986. 8/ The figures confirm the impressive staff growth since World War II. Just short of 300 people were employed by Senate committees in 1947, when the Legislative Reorganization Act augmented the committees' professional staffs. Today there are more than 1,000 permanent and investigative employees. However, the numbers have tapered off since the mid-1970s, and have decreased considerably from a 1975 high of 1,449 people. At least for the time being, the vigorous growth in committee staffs seems to have come to an end.

A key issue in staffing is whether staff aides are employed by the full committee or one of the subcommittees. A few committees have a unified staff; some others scrupulously apportion the staff among the subcommittees. Some committees have moved from one mode to the other. Unfortunately, we have found no satisfactory way of specifying how many staff members work at the committee level and how many are in fact subcommittee employees. Because of the flexibility and variety of practices among Senate committees, published listings do not always reflect the real locus of hiring and firing authority, or the actual administrative arrangements.

8/ This table updates data found in: U.S. Senate, Temporary Select Committee to Study the Senate Committee System. The Senate Committee System. 94th Congress, 2d session (July 1976). Committee print. Appendix D.

PART THREE: COMMITTEE ACTIVITY

From the structure of Senate committees, we turn to measures of the committees' activity. All the caveats that have been voiced thus far need to be repeated with emphasis here. The work of the Senate's committees is only partially captured by quantifiable data. Comparing figures among committees can be misleading, in view of the varying jurisdictions of the committees. Indeed, much of the value of such figures lies in what they can tell us about activity patterns, as well as trends over time.

MEASURES REFERRED AND REPORTED

The numbers of measures referred to and reported by various Senate committees are reflected in tables 3-1 and 3-2. Drawn from the Library of Congress SCORPIO and Senate LEGIS bill status systems, these data cover the last six Congresses (94th through 99th). Several points emerge from examining these figures. First, the numbers of measures referred vary considerably from committee to committee. This is mainly a function of the committee's jurisdiction--whether it is broad or narrowly focused, whether it encompasses a few or many statutes, and whether the policy fields are stable or undergoing rapid change. Some topics--judicial and tax policy, for example--attract more legislative proposals than other areas. Some committees--Appropriations and Small Business, for example--focus on a small number of key legislative vehicles. And, of course, select and special committees report few if any legislative proposals, normally forwarding their findings and recommendations to the relevant legislative committees. In short, while the distribution of bills and resolutions offers some valuable insights into variations among policy areas and among committees, it tells us less about the total workload of committees, even in legislative terms.

Second, rates of reporting bills vary from committee to committee. Again, this probably reflects variations in policy or program fields rather than any "productivity" differences among committees. Some committees report a much lower percent of measures than they receive by referral. For instance, in the 99th Congress the Finance Committee reported about 2 percent of all measures reported from Senate committees, but received about 17 percent of all measures referred to Senate committees. This reflects the Committee's role of screening large numbers of discrete revenue and tariff measures. Other committees account for a higher proportion of the Senate's reported measures than those introduced and referred. For example, in the 99th Congress the Judiciary Committee reported about 34 percent of all measures reported by Senate committees, but received about 24 percent of all measures referred to Senate committees. A substantial portion of these reported measures were joint resolutions commemorating certain days or occasions.

Finally, some fluctuations have occurred over the time span covered by these figures. These reflect short-term shifts in activity within policy or program fields—shifts probably caused by economic, social, or political events. Still, levels of bill introduction and reporting for most committees are relatively stable.

EXECUTIVE COMMUNICATIONS

Numbers of Executive communications referred to Senate committees are shown in table 3-3, which covers the 96th-99th Congresses. The most startling fact about these numbers is that they are so large. In the 99th Congress, for example, about as many Executive communications as legislative measures were referred to Senate committees. Considered together, more Executive communications, presidential messages, and petitions and memorials were referred to Senate committees than legislative measures. Moreover, many committees received far more Executive communications than legislative proposals. This was especially true of the Governmental Affairs, Armed Services, Appropriations, and Energy and Natural Resources Committees.

These communications range widely in their importance and impact upon committee operations. Some are routine and require no legislative action. Others are reports or recommendations requested by Congress on major questions. These may require detailed review by the committee staff, or even hearings or legislative action on the part of the committee itself. Little is known about the cumulative impact of such communications upon the workload of Senators and their staffs. The point is that this is a far from negligible category of committee business that lies outside the traditional counts of legislative "measures."

One type of Executive communication pertains to so-called "legislative veto" provisions embodied in hundreds of statutes and generally ruled unconstitutional by the Supreme Court in 1983. Under these provisions, Congress was given a chance to approve or veto certain actions by the President or Executive officers, by means less demanding than the full process of enacting laws. In a few cases, actions under such provisions triggered committee hearings, reports, and floor action to veto or let stand the Executive's actions. This latter class of actions was relatively few in number; but it was the tip of a sizable iceberg in terms of committee workload. In all or most cases of such actions, committee staff presumably had to examine and review the communication to determine if legislative action was warranted. Now that such provisions are under a constitutional cloud, it is unclear what workload demands lie in store for Senate committees. Assuming that most if not all of these veto provisions are invalid, while the broad authorizations of which they were a part remain in force, the committees could be freed from much of this sort of review. On the other hand, alternative forms of oversight and review are likely to receive greater emphasis--informal consultations between committees and Executive agencies, for example, or greater use of individual statutes authorizing actions that might otherwise have been delegated to the Executive under "legislative veto" arrangements. Such developments would mean no diminution of committee responsibilities.

EXECUTIVE NOMINATIONS

Committees of the Senate have the important and often time-consuming task of confirming numerous Federal appointments. This flows from the Senate's constitutional duty to give advice and consent to the President's nominations of ambassadors, judges, and other officers of the United States. The bulk of these are Executive-branch officers: cabinet secretaries and sub-cabinet officials; some bureau chiefs; key officers of independent agencies, boards, and commissions; principal officers in the Executive Office of the President; ambassadors and U. S. representatives to certain international organizations; and boards and chief executives of government corporations. There are also officers in the judicial system (judges; U.S. attorneys and marshals) and the legislative branch (Comptroller General; Librarian of Congress; Public Printer; tax court judges). Other nominations include military and Coast Guard officers, and officers in the Foreign Service, Public Health Service, and National Oceanic and Atmospheric Administration (NOAA).

Some idea of the impact of these nominations on Senate committees is conveyed by table 3-4. This presents the number of nominations sent to each committee for the 97th-99th Congresses. (As used in the LEGIS computerized files, "nomination" means any separate transmittal to the Senate, whether an individual name or a batch of names. Therefore, the numbers do not represent separate nominees. However, they give a fairly accurate picture of the comparative burden of nominations upon the various committees.) As can be seen, some committees process large numbers of nominations. These include Armed Services (military officers), Foreign Relations (Foreign Service officers), Judiciary (federal judges and attorneys), and Labor and Human Resources (Public Health Service officers).

In table 3-5, we can see the cycles of nominations over time. Individual nominations are especially numerous at the beginning of a new Administration, tapering off in the later stages. Group nominations are more evenly distributed over the calendar, although these represent a minimal burden upon the committees involved.

A more accurate picture of the impact of nominations on the committees' workload would be gained by examining individual nominations, especially those for which public hearings were held. These data are not regularly collected; but we hope to compile them in later reports. We do know, however, that Senate committees increasingly hold public hearings on individual nominees. In the 97th Congress hearings were held for nearly two-thirds of these nominees; ten years ago, only about half the individual nominations resulted in public hearings. Committees are also more apt to print the hearings. Now nearly half of all such hearings are printed, whereas ten years ago the figure was less than one-third. 9/

COMMITTEE HEARINGS

Information concerning Senate committee hearings is presented in table 3-6. These figures are drawn predominantly from the final Legislative Calendars of the various committees. Thus they include field hearings as well as those held in Washington, D.C. However, they do not distinguish among hearings according to their length or importance. Still, the numbers give some hint of the scope of committee activity.

In the 97th and 98th Congresses (1981-1984), the last two Congresses for which complete data are available, the Senate held between 1,100 and 1,600 hearings each year. (The figures for the House are about twice as large.) More hearings are held in odd-numbered years than in even-numbered years. Presumably this reflects the electoral and legislative cycles in the Senate. The numbers of hearings in the 98th Congress were somewhat below those for the prior Congress, and partial data for the 99th Congress indicates further decline.

Committees vary widely in their volume of hearings. Among the panels that schedule many hearings are Appropriations, Foreign Relations, and Judiciary. As in other respects, committees differ in quantity of hearings for a number of reasons--including jurisdictional characteristics and the ebb and flow of issues.

9/ These findings are drawn from an as-yet-unpublished work of Judith H. Parris, former Analyst in American Government at CRS who is completing a major study of the Senate's confirmation power.

OTHER COMMITTEE ACTIVITIES

The available data concerning committee activities and workloads are fragmentary and convey only a partial picture of the scope and volume of committees' responsibilities. Beyond their formal workload--counts of measures introduced, hearings held, nominations processed, and measures reported--committees do many things for which there are no quantitative estimates. We have already mentioned the committees' responsibilities for reviewing Executive actions--activities that only infrequently produce formal actions like hearings, reports, or corrective legislation. The broad mandate to review and investigate programs and agencies within the committees' purview generates much work that is only marginally reflected in these figures. Sizable amounts of staff time, for example, are needed to keep up with developments in a given policy field, remain abreast of the literature, review reports and documents, meet informally with officials or private-sector experts, and conduct on-site visits. Some committees meet regularly with visiting officials or other knowledgeable individuals in an effort to keep informed. The Committee on Foreign Relations, for example, regularly schedules meetings with foreign dignitaries and delegations in order to glean knowledge of world developments.

Finally, committees serve not only as recipients of information but also as sources and clearing-houses of information. Private citizens, interest groups, and congressional offices repeatedly turn to committees for information on a multitude of policy questions, including the progress and prospects of legislation.

Few if any of these activities appear in available cumulative information about the committees. Close observers of the committees are aware that these workload categories exist and that their demands upon the Senate's resources are quite significant. However, the evidence is fragmentary. Reporting systems that would capture some of these kinds of workload would enable the Senate to monitor more accurately the scope of the activities and perhaps consider more efficient ways of supporting them. This is especially relevant in an era in which non-legislative work—especially review and oversight--is emphasized.

PART FOUR: FLOOR ACTIVITY

The basic measures of floor activity are presented in table 4-1. Several aspects of the figures bear mentioning. First, year-round sessions of Congress have been the norm since the 1960s. Once quite variable in length, congressional sessions since the 87th Congress (1961-1962) have stabilized at a high level--300 or more days over each two-year period--with the exception of the 98th Congress (1983-1984). The length of sessions in hours, while volatile, has also been higher on average since the 87th Congress than in the 80th-86th Congress period. In the 99th Congress, the Senate was in session for 2,531 hours, the highest total since the 80th Congress, and about 500 hours more than other Congresses in the 1980s. This is an average of about eight hours each day the Senate met in the 99th Congress.

VOTING ON THE FLOOR

The frequency of voting has risen spectacularly since the 1940s. As table 4-1 makes clear, pressures for floor votes gathered momentum during the 1960s and speeded up in the 1970s. Since 1976, however, the total number of floor votes has abated quite dramatically. In the 99th Congress, Senators were summoned to the floor - for votes or quorum calls - just under half as many times as in the 94th Congress (1975-1976), the all-time high in floor voting. Even so, today's Senators cast more yea-nay votes than did their predecessors of a generation or so ago, and twice as many as in the 1940s and 1950s. The responsibility of voting on a wide variety of issues, many of them complex or technical amendments, places burdens on Senators, their staff aides, their informational needs, and their daily schedules. Indeed, the problem is so pervasive that scheduling votes has become a major concern for Senators and the Senate leadership.

Although roll-call votes are numerous, the number of quorum calls has fallen dramatically since the early 1960s. The 99th Congress total of 36 represents the lowest figure since the 80th Congress, and is a mere fraction of totals in the 1940s-1960s. In earlier times they were more common than floor votes. Today they are far more rare.

CLOTURE VOTES

Another increasingly pervasive aspect of Senate floor activity is the invocation of cloture under Rule XXII. Until 1917, the Senate had no way of terminating debate except by unanimous consent. In that year, the first cloture (debate-ending) rule was adopted. In its current form (as amended in 1975 and 1979), the rule permits three-fifths of the Senate (60 of the 100 members) to shut off debate on measures other than amendments to Senate Rules.

The frequency of cloture votes, and their success rate, is presented in table 4-2. (It should be noted that not all cloture petitions that are filed actually result in floor votes. Some are withdrawn, or vitiated.) As can be seen, cloture votes were rarely taken, and even more rarely successful, until the 1970s. In the first 50 years following adoption of Rule XXII, there were only 43 votes on closing debate, only 10 of them successful. Even in the 1959-1966 period, when the momentous civil rights debates came to a head, only 15 votes were taken, three of them resulting in cutting off debate.

Today, cloture votes are more common. Since the 92nd Congress (1971-1972), an average of 22 cloture votes have been taken in each Congress, and an average of 9 of those have been successful. More such votes (seven) occurred during the last six weeks of 1984 than during the first decade of Rule XXII's existence. Further, cloture is sometimes invoked before extended debate has begun--even on the same day the measure is taken up. Sponsors of cloture petitions are concerned about expediting floor business, in light of the long-term trend whereby more and more Senators engage in "extended debate" on a wider range of issues. Some Senators have criticized what they perceive as a too-frequent use of cloture. "The Senate has cloturitis," remarked Senator Dan Quayle, R-Ind. "We invoke it here, there, and everywhere." 10/ The select committee that Quayle chaired recommended making cloture more difficult to invoke and more effective once invoked. 11/

10/ Congressional Record, 98th Cong, 2d sess, Sept. 28, 1984, p. S12271.

11/ U.S. Senate. Temporary Select Committee to Study the Senate Committee System. Report together with Proposed Resolutions (98th Cong, 2d sess), S. print. 98-254, pp. 15-16.

PART FIVE: LEGISLATIVE PRODUCTS

The last category of indicators deals with the final results of the legislative process: legislation, actions on vetoes, and confirmations of Executive appointments. Many of these measures will be familiar to Senators and staffs, but they are arrayed here in a fashion which will make possible ready comparisons.

NUMBER AND LENGTH OF ENACTED BILLS

Trends in legislative outputs are presented in table 5-1. These figures should be interpreted with care. While the volume of enactments over time is helpful in understanding Congress' work, it is not an indicator of how busy or how productive the institution has been. As the Quayle Committee put it, "The tradition is clear--the Senate is not to be judged by how much it does, but rather by how well it does it." 12/ The volume of enactments fluctuates not only with policy demands, but also (and perhaps more importantly) with shifting legislative practices. Two of these shifts bear mentioning, because they illuminate important features of the contemporary legislative workload.

First, Congress increasingly delegates certain classes of decisions to administrative agencies or tribunals. As a result, the legislative agenda has been freed of large quantities of business items, mostly relatively brief and routine in nature. This development is seen most dramatically in the long-term

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12/ Ibid., p. 2.

decline of private bills--for example, private immigration or claims cases. This decline has been relatively steady over the past 40 years. The trend is reflected also in the numbers of public laws enacted. Statutory "production" was numerically high during the later 1940s and in fact peaked in the mid-1950s (84th Congress)--a period not noted for large quantities of policy or program innovations. From the high of the mid 1950s, the number of public laws enacted declined through the mid 1960s. From the late 1960s through the 99th Congress, the number has remained roughly the same, with the exception of the 97th Congress (1981-1982), which recorded a lower number of public laws enacted than any Congress in modern history.

Second, congressional enactments have become more lengthy and complex. In 1955-1956, when Congress enacted more than a thousand public laws, the average enactment occupied less than two pages in the statute books. In 1983-84, the average law took up approximately eight pages. This reflects not only growing sophistication in drafting, but also a tendency to enact omnibus or multi-titled statutes. This has been apparent especially since the congressional budget process was implemented in 1975 (94th Congress). Contemporary Congresses, in other words, tend to package a larger proportion of their policy decisions within a relatively small number of broad-scale vehicles--for example, authorizations or reauthorizations, omnibus revenue measures, appropriations bills, continuing resolutions, and budget resolutions. Clearly the legislative schedule has not yet fully adapted to this; but the tendency toward fewer yet lengthier enactments is quite evident.

VETOES

The Chief Executive is a key player in the legislative process through use of the veto power. The incidence of vetoes, and congressional attempts to override them, is shown in table 5-2. The distinguishing characteristic of so-called "pocket" vetoes is that they cannot be formally overridden by Congress. However, regular vetoes offer the possibility of further congressional action and therefore have an actual or potential workload impact. While vetoes have not been numerous since the stormy period of the early 1970s, they are nonetheless part of the overall legislative workload picture.

RECORD VOTES ON CONFIRMATIONS

A small portion of roll-call votes are to confirm nominees for Federal posts. In the 99th Congress, these accounted for approximately four percent of the roll calls. (See table 5-3.) Until the 93rd Congress (1973-1974), such votes were relatively rare. Then, with rising tensions between the executive and legislative branches, the Senate began voting more frequently. This trend paralleled the overall profusion of floor votes; but while the total number of floor votes has declined in recent years, votes on nominations remain more numerous then in the past.

Table 5-4 rounds out our picture of the Senate's work in confirming Federal appointments. The Senate is responsible for confirming a large number of Federal office holders. Today's figures, however, are not as large as those of previous decades. From the 80th (1947-1948) through the 97th Congress (1981-1982), the number of Federal appointments confirmed by the Senate increased fairly steadily and dramatically. One dip in the figures, from the 91st (1969-1970) to the 92nd Congress (1971-1972), appears to have been a result of the Postal Reorganization Act of 1970 (PL 91-375), which removed certain post office employees from the confirmation process. A much more severe drop in the figures occurred between the 97th (1981-1982) and 98th Congresses (1983-1984), when the total dropped from a peak of approximately 186,000 to approximately 98,000. The 99th Congress (1985-1986) total of approximately 96,000 is similar to that of the 98th. This steep decline is no doubt a result of the Defense Officer Personnel Management Act of 1980 (PL 96-513), which removed certain categories of lower-rank military personnel from the confirmation process. Most nominations are routine and noncontroversial; the bulk of them are in fact confirmed by the Senate. A few are actually withdrawn, and even fewer are rejected outright. More commonly, the Senate simply takes no action when nominations are deemed to be problematic.

LEGISLATIVE ACTIVITY: SUMMARY TABLES

Senators and staff are frequently interested in comparing statistics session by session. Such comparisons can be made from the final three tables, which repeat basic statistics on session length, production of bills and resolutions, and numbers of floor votes for each Congress since World War II (table 5-5), for first sessions only (table 5-6), and for second sessions only (table 5-7). As can readily be seen, legislative processes and electoral cycles mean that first and second sessions tend to exhibit distinctive patterns, and thus should normally be compared with other sessions in the same category. First sessions tend to be longer in days, though there are exceptions. They are also apt to be longer in hours, though here the pattern is less consistent. Following the normal rhythm of the legislative process, bills and resolutions tend to be introduced in first sessions and passed in second sessions. The volume of floor votes also normally rises in second sessions. Attempts to override presidential vetoes, moreover, are somewhat more apt to occur in second sessions. Even so, individual sessions often exhibit unique characteristics stemming from short-term factors.

TABLE 1-1. U.S. Senate, Legislative Proposals: 1947-1986

Congress	Bills and Joint Resolutions 1/					Simple and Concurrent Resolutions 2/					Total Measures	
	Introd.	Reptd. 3/	Passed 3/	Ave. no. of measures introd. per member	Ratio of measures passed to measures introd.	Introd.	Reptd. 3/	Passed 3/	Ave. no. of measures introduced per member	Ratio of measures passed to measures introduced	Ave. no. of measures introd. per member	Ratio of measures passed to measures introd.
80 (1947-48)	3,186	1,835	1,670	33.2	0.524	343	257	242	3.6	0.706	36.8	0.542
81 (1949-50)	4,486	2,604	2,362	46.7	0.527	489	352	336	5.1	0.687	51.8	0.542
82 (1951-52)	3,665	1,991	1,849	38.2	0.505	444	313	304	4.6	0.685	42.8	0.524
83 (1953-54)	4,077	2,419	2,231	42.5	0.547	444	402	321	4.6	0.723	47.1	0.564
84 (1955-56)	4,518	2,663	2,550	47.1	0.564	417	392	330	4.3	0.791	51.4	0.584
85 (1957-58)	4,532	2,329	2,202	47.2	0.486	514	473	378	5.4	0.735	52.6	0.571
86 (1959-60)	4,149	1,778	1,680	42.3	0.405	509	461	368	5.2	0.723	47.5	0.440
87 (1961-62)	4,048	2,047	1,953	40.5	0.482	418	504	392	4.2	0.938	44.7	0.525
88 (1963-64)	3,457	1,365	1,341	34.6	0.388	480	448	350	4.8	0.729	39.4	0.430
89 (1965-66)	4,129	1,703	1,636	41.3	0.396	438	448	332	4.4	0.758	45.7	0.431
90 (1967-68)	4,400	1,457	1,376	44.0	0.313	506	455	355	5.1	0.702	49.1	0.353
91 (1969-70)	4,867	1,270	1,271	48.7	0.216	599	438	405	6.0	0.676	54.7	0.307
92 (1971-72)	4,408	1,026	1,035	44.1	0.235	488	276	336	4.9	0.689	49.0	0.280
93 (1973-74)	4,524	1,094	1,115	45.2	0.246	603	330	449	6.0	0.745	51.2	0.305
94 (1975-76)	4,114	988	1,038	41.1	0.252	798	387	514	8.0	0.644	49.1	0.316
95 (1977-78)	3,800	1,014	1,070	38.0	0.282	713	464	526	7.1	0.738	45.1	0.354
96 (1979-80)	3,480	862	977	34.8	0.281	714	441	506	7.1	0.709	41.9	0.354
97 (1981-82)	3,396	708	786	34.0	0.232	668	311	424	6.7	0.635	40.7	0.298
98 (1983-84)	3,454	835	936	34.5	0.271	643	303	386	6.4	0.600	41.0	0.323
99 (1985-86)	3,386	831	940	33.9	0.278	694	192	391	6.9	0.563	40.8	0.326

1/ These numbers include all bills and joint resolutions which were acted upon as indicated.

2/ These numbers include all simple and concurrent resolutions which were acted upon as indicated.

3/ Occasionally measures are taken up on the floor without having been referred to or reported from committee, which partially accounts for the passed sometimes exceeding the number reported.

Source: Daily Digest of the Congressional Record, unless otherwise indicated.

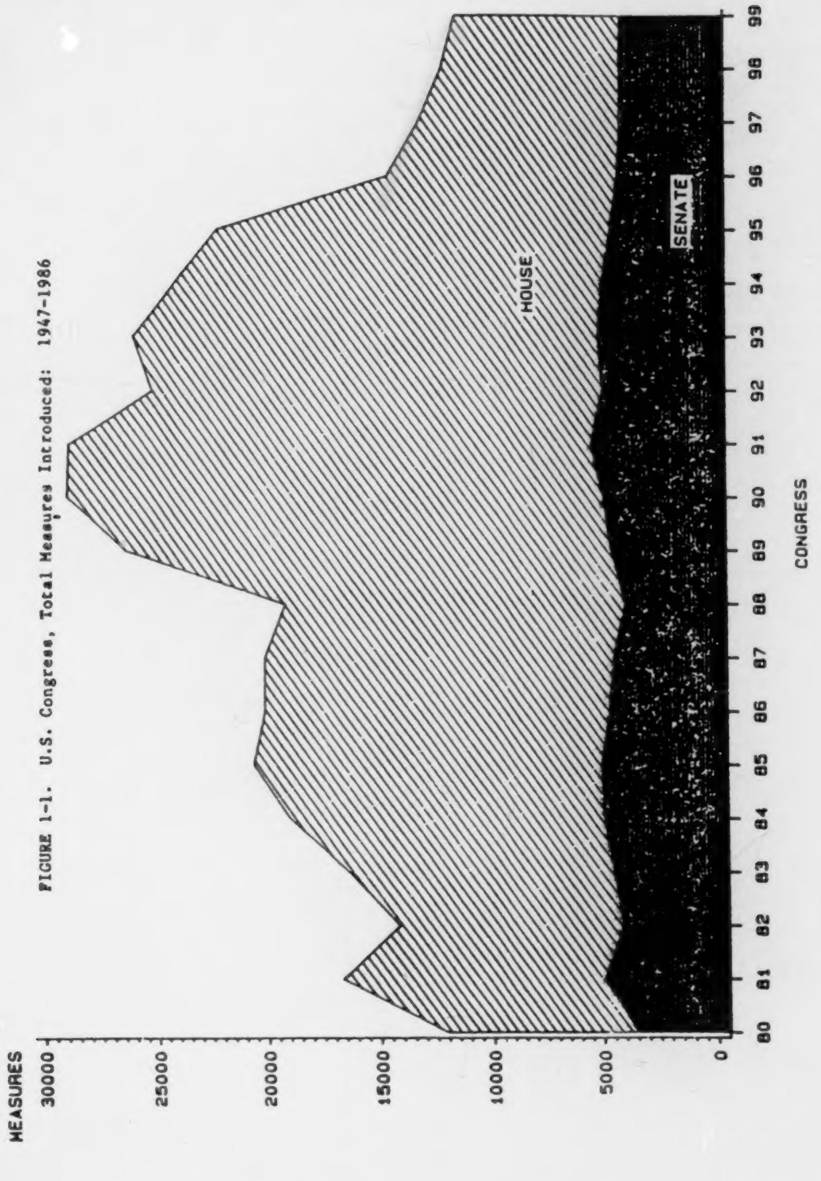

FIGURE 1-1. U.S. Congress, Total Measures Introduced: 1947-1986

TABLE 2-1. U. S. Senate, Number of Committees and Their Subcommittees: 1945-1988

Congress	Standing committees		Select and special committees		Joint comittees		Total panels
	No. 1/	No. of subc. 1/	No. 2/	No. of subc. 2/	No. 2/	No. of subc. 2/	
79 (1945-46)	33 3/	57 3/	7	10 3/	6	NA 4/	NA
80 (1947-48)	15	61	3	NA	6	NA	NA
81 (1949-50)	15	63	2	NA	10	NA	NA
82 (1951-52)	15	65	3	NA	9	NA	NA
83 (1953-54)	15	66	1	NA	10	NA	NA
84 (1955-56)	15	87	5	NA	11	11	NA
85 (1957-58)	16	85	4	4	9	12	130
86 (1959-60)	16	87	5	0	12	8	128
87 (1961-62)	16	88	2	6	11	6	129
88 (1963-64)	16	85	3	6	11	13	134
89 (1965-66)	16	92	3	6	11	14	142
90 (1967-68)	16	98	5	12	11	15	157
91 (1969-70)	16	101	5	12	10	15	159
92 (1971-72)	17	115	5	13	8	15	173
93 (1973-74)	18	127	7	13	9	16	190
94 (1975-76)	18	122	6	13	7	14	180
95 (1977-78)	15	96	6	12 5/	4	5	138
96 (1979-80)	15	90	5	10	4	5	129
97 (1981-82)	16	101	4	4	4	5	135
98 (1983-84)	16	102	5	4	4	6	137
99 (1985-86)	16	88	4	0	4	6	118
100 (1987-88)	16	85	5	0	4	8	118

1/ Source: Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82-42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77; the Congressional Record; and lists of committee assignments published by the Secretary of the Senate.

2/ Sources: Unless otherwise noted, data is compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; West Publishing Co., U.S. Code Congressional and Administrative News; the Congressional Record; and lists of committee assignments published by the Secretary of the Senate.

3/ U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13-June 29, 1945. Washington, U.S. Govt. Print. Off., 1945. p. 1041.

4/ This information is not readily available.

5/ Includes one three-member Ad Hoc Working Group of the Select Committee on Intelligence.

FIGURE 2-1. Number of Senate Committees and their Subcommittees: 1957-1988

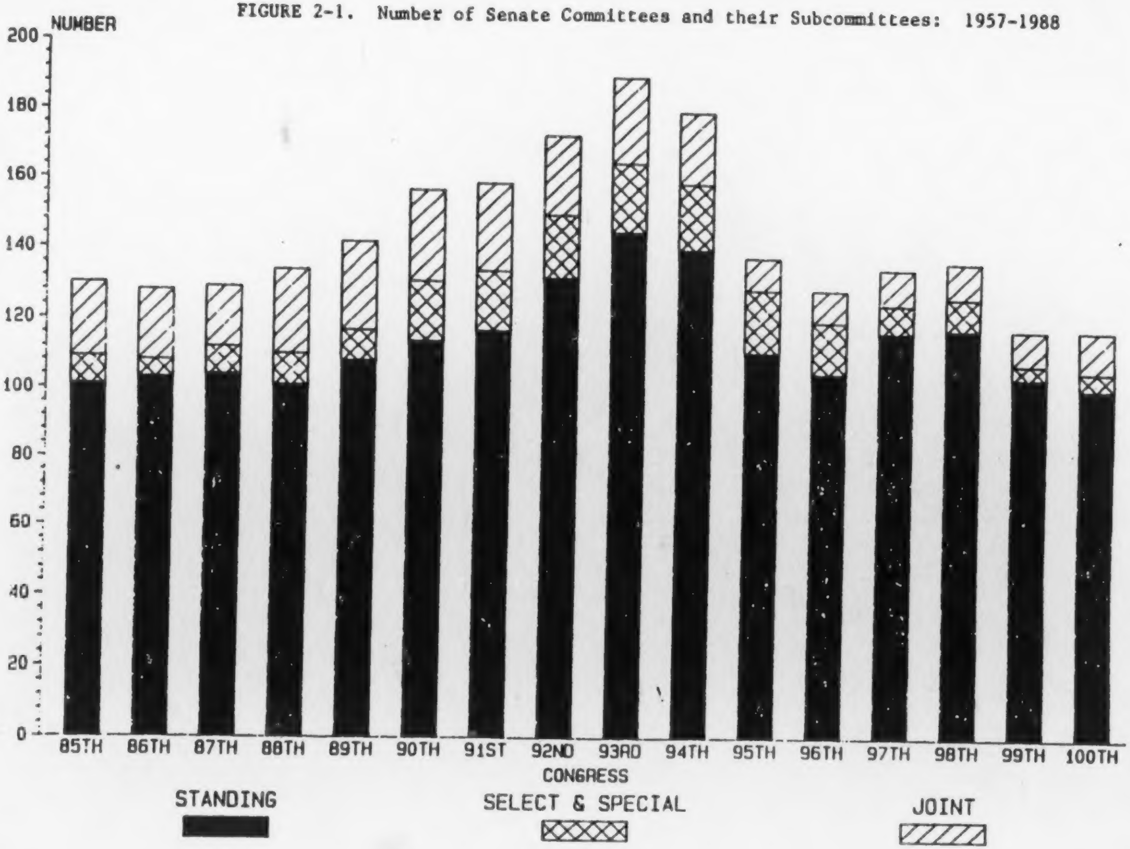

TABLE 2-2. U. S. Senate, Committee Assignments: 1945-1988

	Total no. of assignments					Mean no. of committee assignments				
Congress	Standing comm. 1/	Subc. of standing comm. 1/	Select, special & joint comm. 2/	Subc. of select, special & joint comm. 2/	Total	Standing comm.	Subc. of standing comm.	Select, special & joint comm.	Subc. of select, special & joint comm.	Total panels
79 (1945-46)	489 2/	437 3/	98	NA 4/	NA	5.09	4.55	1.02	NA	NA
80 (1947-48)	201	326	62	NA	NA	2.09	3.40	0.65	NA	NA
81 (1949-50)	203	313	62	NA	NA	2.12	3.26	0.62	NA	NA
82 (1951-52)	203	332	67	NA	NA	2.12	3.46	0.70	NA	NA
83 (1953-54)	211	373	63	NA	NA	2.20	3.89	0.66	NA	NA
84 (1955-56)	212	514	100	48	874	2.21	5.35	1.04	0.50	9.10
85 (1957-58)	228	530	98	36	892	2.38	5.52	1.02	0.38	9.29
86 (1959-60)	250	631	116	66	1,063	2.50	6.31	1.16	0.66	10.63
87 (1961-62)	240	636	95	59	1,030	2.40	6.36	0.95	0.59	10.30
88 (1963-64)	256	660	101	86	1,103	2.56	6.60	1.01	0.86	11.03
89 (1965-66)	250	727	101	154	1,232	2.50	7.27	1.01	1.54	12.32
90 (1967-68)	252	752	120	165	1,289	2.52	7.52	1.20	1.65	12.89
91 (1969-70)	245	797	110	184	1,336	2.45	7.97	1.10	1.84	13.36
92 (1971-72)	247	895	124	197	1,463	2.47	8.95	1.24	1.97	14.63
93 (1973-74)	258	946	148	217	1,569	2.58	9.46	1.48	2.17	15.69
94 (1975-76)	240	969	120	228	1,557	2.40	9.69	1.20	2.28	15.57
95 (1977-78)	243	658	84	69	1,054	2.43	6.58	0.84	0.69	10.54
96 (1979-80)	252	668	78	76	1,074	2.52	6.68	0.78	0.76	10.74
97 (1981-82)	282	693	76	68	1,119	2.82	6.93	0.76	0.68	11.19
98 (1983-84)	295 5/	771	80	49	1,195	2.95	7.71	0.80	0.49	11.95
99 (1985-86)	282	672	74	47	1,075	2.82	6.72	0.74	0.47	10.75
100 (1987-88)	296	688	84	30	1,098	2.96	6.88	0.84	0.30	10.98

1/ Source: Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82-42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77; the Congressional Record; and lists of committee assignments published by the Secretary of the Senate.

2/ Sources: Unless otherwise noted, data is compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News; the Congressional Record; and lists of committee assignments published by the Secretary of the Senate.

3/ U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13-June 29, 1945. Washington, U.S. Govt. Print. Off., 1945. pp. 1040-1041.

4/ This information is not readily available.

5/ U.S. Congress. Senate. United States Senate Telephone Directory, May, 1984. Senate Publication 98-21, 98th Cong., 2nd Sess. Washington, U.S. Govt. Print. Off., 1984. pp. 77-120.

FIGURE 2-2. Senate Assignment Slots Available: 1955-1988

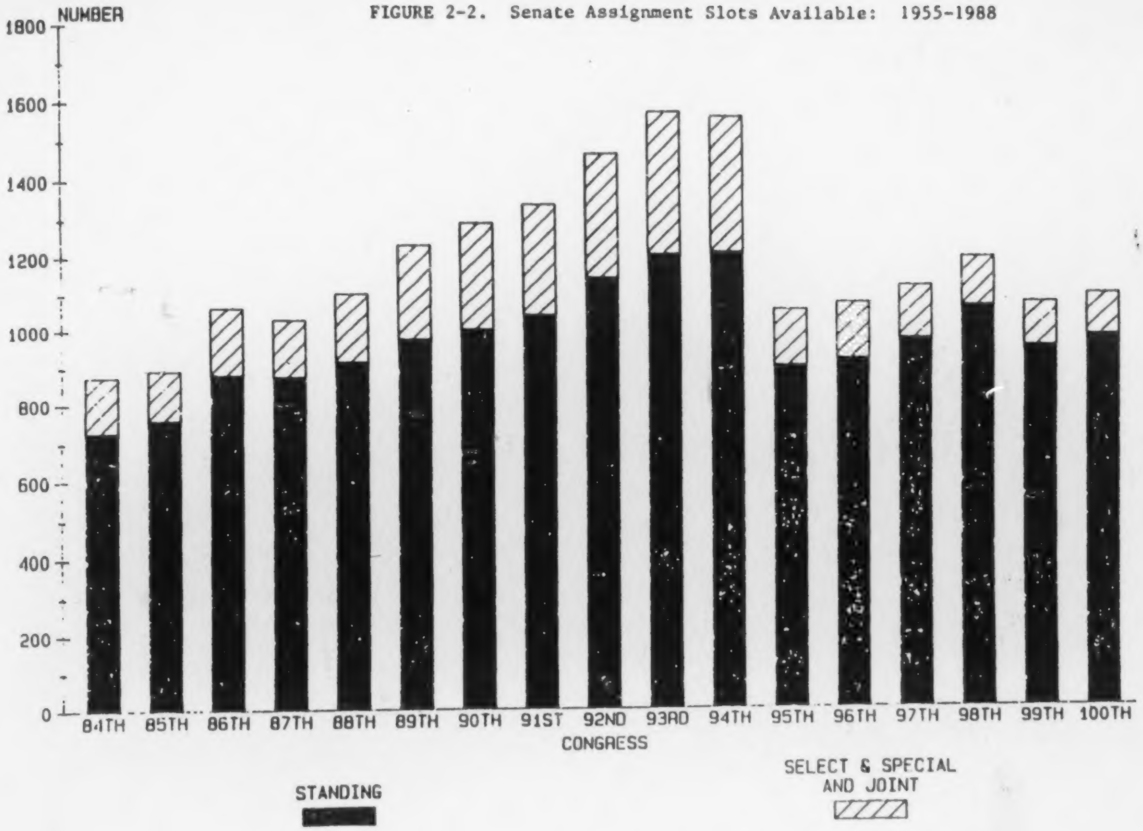

TABLE 2-3. Average Size of Senate Standing Committees and Their Subcommittees: 1945-1988

Congress	Standing committees	Subc. of standing committees
79 (1945-46)	14.9	7.7
80 (1947-48)	13.4	5.3
81 (1949-50)	13.5	5.0
82 (1951-52)	13.5	5.1
83 (1953-54)	14.1	5.7
84 (1955-56)	14.1	5.9
85 (1957-58)	14.3	6.2
86 (1959-60)	15.6	7.3
87 (1961-62)	15.0	7.2
88 (1963-64)	16.0	7.8
89 (1965-66)	15.6	7.9
90 (1967-68)	15.8	7.7
91 (1969-70)	15.3	7.9
92 (1971-72)	14.5	7.8
93 (1973-74)	14.3	7.5
94 (1975-76)	14.2	7.9
95 (1977-78)	16.2	6.9
96 (1979-80)	16.8	7.4
97 (1981-82)	17.6	6.9
98 (1983-84)	18.4	7.6
99 (1985-86)	17.6	7.6
100 (1987-88)	18.5	8.1

FIGURE 2-3. Average Size of Senate Standing Committees and Their Subcommittees: 1945-1988

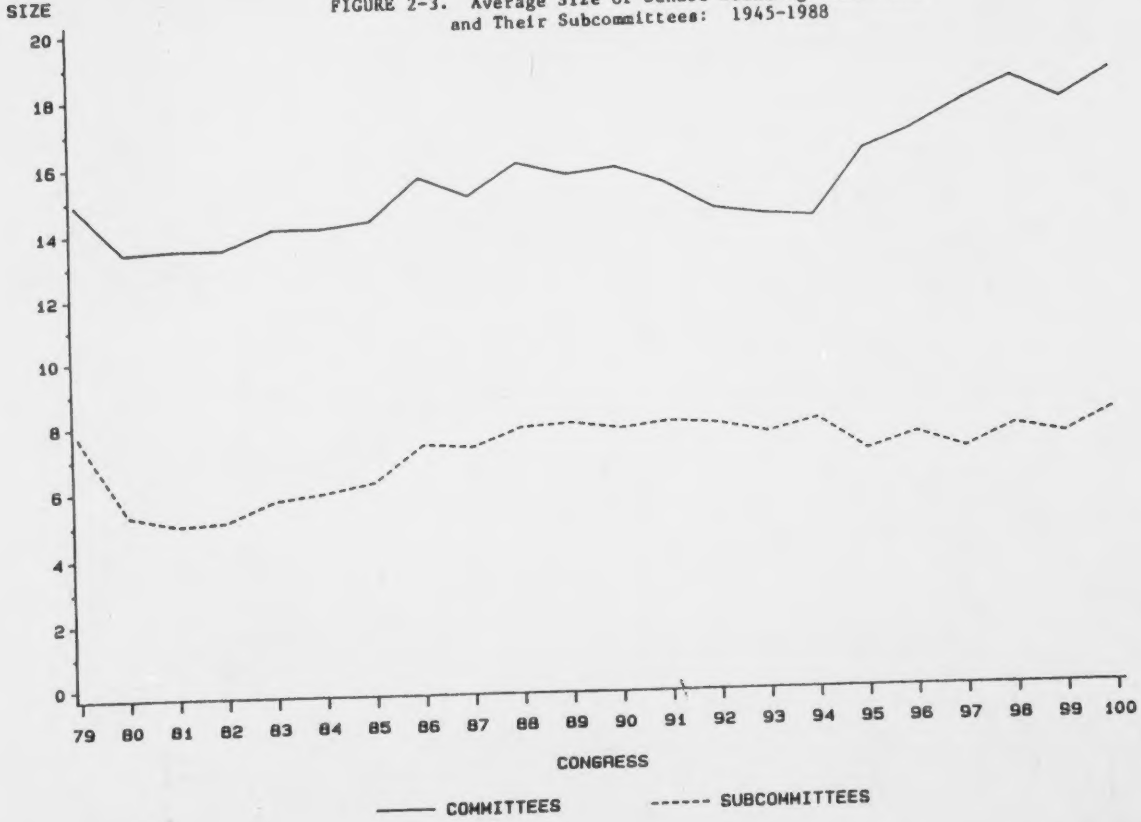

TABLE 2-4. Committee on Agriculture, Nutrition, and Forestry 1/

Congress		Full committee members	Number of Sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80	(1947-48)	13	0	0	13
81	(1949-50)	13	0	0	13
82	(1951-52)	13	0	0	13
83	(1953-54)	15	0	0	15
84	(1955-56)	15	5	23	38
85	(1957-58)	15	5	28	43
86	(1959-60)	17	5	41	58
87	(1961-62)	17	5	38	55
88	(1963-64)	17	5	40	57
89	(1965-66)	15	5	38	53
90	(1967-68)	15	5	38	53
91	(1969-70)	13	5	36	49
92	(1971-72)	14	6	49	63
93	(1973-74)	13	6	42	55
94	(1975-76)	14	6	48	62
95	(1977-78)	18	7	52	70
96	(1979-80)	18	7	54	72
97	(1981-82)	18	8	55	73
98	(1983-84)	18	7	55	73
99	(1985-86)	17	6	49	66
100 2/	(1987-88)	19	7	51	70

1/ Named the Committee on Agriculture and Forestry, 80th-94th Congresses.

2/ 100th Congress totals reflect Agriculture Committee and Subcommittee reorganizations and ratio changes following the departure of one Senator from the committee due to death and the addition of two others.

Sources: Data for all committees (except Appropriations and Budget) are compiled from final editions of each committee's Legislative Calendar for each Congress; the Congressional Record; and lists of committee assignments published by the Secretary of the Senate.

Data for the Committee on the Budget for the 93rd, 94th and 98th Congresses was compiled from Congressional Quarterly Weekly Reports;

Data for the Committee on Appropriations for the 80th through 83rd Congresses was compiled from U. S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82-42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77;

Data for the Committee on Appropriations for the 84th through 98th Congresses was compiled from Congressional Quarterly Almanacs and Congressional Quarterly Weekly Reports.

TABLE 2-5. Committee on Appropriations

Congress	Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 (1947-48)	21	12	126	147
81 (1949-50)	21	10	100	121
82 (1951-52)	21	10	85	106
83 (1953-54)	21	10	105	126
84 (1955-56)	23	12 1/	160	183
85 (1957-58)	23	12 1/	165	188
86 (1959-60)	27	12 1/	193	220
87 (1961-62)	27	13 1/	193	220
88 (1963-64)	27	13 1/	207	234
89 (1965-66)	27	13 1/	207	234
90 (1967-68)	26	14 1/	204	230
91 (1969-70)	24	14	160	184
92 (1971-72)	24	13	150	174
93 (1973-74)	26	13	158	184
94 (1975-76)	26	13	164	190
95 (1977-78)	25	13	125	150
96 (1979-80)	28	13	157	185
97 (1981-82)	29	13	151	180
98 (1983-84)	29	13	135	164
99 (1985-86)	29	13	135	164
100 (1987-88)	29	13	138	167

1/ The Appropriations Committee organized subunits of subcommittees to specialize in specific areas (eg., the Committee on Appropriations' Subcommittee on Public Works' Subcommittee on Atomic Energy-Tennessee Valley Authority). These panels, or subcommittees of subcommittees, are not included in the calculations.

TABLE 2-7. Committee on Banking, Housing, and Urban Affairs 1/

Congress		Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80	(1947-48)	13	12	58	71
81	(1949-50)	13	8	55	68
82	(1951-52)	13	12	79	92
83	(1953-54)	15	8	54	69
84	(1955-56)	15	8	56	71
85	(1957-58)	15	8	64	79
86	(1959-60)	15	7	63	78
87	(1961-62)	15	5	50	65
88	(1963-64)	15	6	54	69
89	(1965-66)	14	6	60	74
90	(1967-68)	14	6	56	70
91	(1969-70)	15	6	65	80
92	(1971-72)	15	6	70	85
93	(1973-74)	15	7	52	67
94	(1975-76)	13	7	51	64
95	(1977-78)	15	8	45	60
96	(1979-80)	16	8	48	64
97	(1981-82)	17	7	52	69
98	(1983-84)	18	9	60	78
99	(1985-86)	15	5	47	62
100 2/	(1987-88)	20	4	36	56

1/ Named the Committee on Banking and Currency, 80th-91st Congresses.

2/ The number of full committee members includes the addition of two Senators on May 12, 1987, which expanded the size of the committee to 20. As of May 27, 1987, however, these two Senators had not been assigned to subcommittees, so the number of subcommittee assignments reflects the number available as of the committee's organization at the outset of the 100th Congress.

TABLE 2-9. Committee on Commerce, Science, and Transportation

Congress		Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 1/	(1947-48)	13	5	18	31
81	(1949-50)	13	7	32	45
82	(1951-52)	13	7	32	45
83	(1953-54)	15	9	42	57
84	(1955-56)	15	8	31	46
85	(1957-58)	15	10	47	62
86	(1959-60)	17	10	82	99
87 2/	(1961-62)	17	9	77	94
88	(1963-64)	17	10	54	71
89	(1965-66)	18	8	55	73
90	(1967-68)	19	8	60	79
91	(1969-70)	19	11	105	124
92	(1971-72)	18	10	111	129
93	(1973-74)	18	14	149	167
94	(1975-76)	20	14	144	164
95 3/	(1977-78)	17	6	49	66
96	(1979-80)	17	7	57	74
97	(1981-82)	17	8	52	69
98	(1983-84)	17	8	52	69
99	(1985-86)	17	6	36	53
100	(1987-88)	20	8	58	78

1/ Named the Committee on Interstate and Foreign Commerce, 80th-86th Congresses.

2/ The Committee on Interstate and Foreign Commerce was renamed the Committee on Commerce pursuant to S.Res. 177, 87th Congress (Apr. 13, 1961).

3/ The committee's jurisdiction was expanded and its name changed to the Committee on Commerce, Science, and Transportation on Feb. 4, 1977 when the Senate adopted a major committee reorganization measure (S.Res. 4, 95th Cong.).

TABLE 2-10. Committee on Energy and Natural Resources

Congress		Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 1/	(1947-48)	13	6	30	43
81	(1949-50)	13	0	0	13
82	(1951-52)	13	0	0	13
83	(1953-54)	15	5	32	47
84	(1955-56)	15	5	31	46
85	(1957-58)	15	5	31	46
86	(1959-60)	17	5	39	56
87	(1961-62)	17	5	43	60
88	(1963-64)	17	5	42	59
89	(1965-66)	16	7	57	73
90	(1967-68)	17	7	57	74
91	(1969-70)	17	8	68	85
92	(1971-72)	16	7	59	75
93	(1973-74)	15	8	56	71
94	(1975-76)	14	8	74	88
95 2/	(1977-78)	19	5	53	72
96	(1979-80)	18	5	52	70
97	(1981-82)	20	6	54	74
98	(1983-84)	21	6	57	78
99	(1985-86)	18	5	48	66
100	(1987-88)	19	5	49	68

1/ Named the Committee on Interior and Insular Affairs, 80th-94th Congresses.

2/ The committee's jurisdiction was expanded and its name changed to the Committee on Energy and Natural Resources on Feb. 4, 1977 when the Senate adopted a major committee reorganization measure (S.Res. 4, 95th Cong.).

TABLE 2-12. Committee on Finance

Congress	Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 (1947-48)	13	0	0	13
81 (1949-50)	13	0	0	13
82 (1951-52)	13	0	0	13
83 (1953-54)	15	0	0	15
84 (1955-56)	15	0	0	15
85 (1957-58)	15	0	0	15
86 (1959-60)	17	0	0	17
87 (1961-62)	17	0	0	17
88 (1963-64)	17	0	0	17
89 (1965-66)	17	0	0	17
90 (1967-68)	17	0	0	17
91 (1969-70)	17	1	7	24
92 (1971-72)	16	0	0	16
93 (1973-74)	17	8	50	67
94 (1975-76)	18	11	70	88
95 (1977-78)	18	10	54	72
96 (1979-80)	20	11	60	80
97 (1981-82)	20	9	60	80
98 (1983-84)	20	9	60	80
99 (1985-86)	20	8	59	79
100 (1987-88)	20	7	59	79

TABLE 2-13. Committee on Foreign Relations

Congress	Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 (1947-48)	13	0	0	13
81 (1949-50)	13	0	0	13
82 (1951-52)	13	7	27	40
83 (1953-54)	15	12	60 1/	75
84 (1955-56)	15	11	78 2/	93
85 (1957-58)	15	11	72 3/	87
86 (1959-60)	17	11	76	93
87 (1961-62)	17	10	72	89
88 (1963-64)	17	10	66	83
89 (1965-66)	21	15	87	108
90 (1967-68)	19	16	98	117
91 (1969-70)	15	10	65	80
92 (1971-72)	16	11	73	89
93 (1973-74)	17	12	79	96
94 (1975-76)	16	10	61	77
95 (1977-78)	16	9	45	61
96 (1979-80)	15	7	39	54
97 (1981-82)	17	7	47	64
98 (1983-84)	18	7	47	65
99 (1985-86)	17	6	48	65
100 4/ (1987-88)	19	7	47	66

1/ Includes six appointments of non-committee Members made by either the President of the Senate or the Vice President.

2/ Includes ten appointments of non-committee Members made by the Vice President.

3/ Includes eight appointments of non-committee Members made by the Vice President.

4/ The number of full committee members reflects the departure of one Senator from the committee due to death, and the consequent reduction of the committee size from 20 to 19. Similarly, the number of subcommittee assignments available reflects subcommittee changes due to the departure of the same Senator, and a reduction from 48 to 47 subcommittee assignments as of May 27, 1987.

TABLE 2-14. Committee on Governmental Affairs

Congress	Full committee members	Number of subcommittees	Subcmte. assignments available	Full & subcmte. assignments available
80 1/ (1947-48)	13	4	18	31
81 (1949-50)	13	4	20	33
82 2/ (1951-52)	13	2	14	27
83 (1953-54)	13	5	28	41
84 (1955-56)	13	2	14	27
85 (1957-58)	13	2	14	27
86 (1959-60)	9	3	17	26
87 (1961-62)	9	4	22	31
88 (1963-64)	15	4	36	51
89 (1965-66)	14	6	50	64
90 (1967-68)	15	6	50	65
91 (1969-70)	15	4	36	51
92 (1971-72)	18	4	36	54
93 (1973-74)	15	8	59	74
94 (1975-76)	14	5	47	61
95 3/ (1977-78)	16	6	43	59
96 (1979-80)	17	7	43	60
97 (1981-82)	18	8	42	60
98 (1983-84)	18	7	47	65
99 (1985-86)	13	6	32	45
100 (1987-88)	14	5	38	52

1/ Named the Committee on Expenditures in the Executive Departments, 80th-81st Congresses.

2/ The Committee on Expenditures in the Executive Departments was renamed the Committee on Government Operations pursuant to S.Res. 280, 82d Cong., (Mar. 3, 1952).

3/ The committee's jurisdiction was expanded and its name changed to the Committee on Governmental Affairs on Feb. 4, 1977 when the Senate adopted a major committee reorganization measure (S.Res. 4, 95th Cong.).

TABLE 2-15. Committee on the Judiciary

Congress	Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 (1947-48)	13	6	13	26
81 (1949-50)	13	9	27	40
82 (1951-52)	13	12	45	58
83 (1953-54)	15	14	67	82
84 (1955-56)	15	14	70	85
85 (1957-58)	15	14	75	90
86 (1959-60)	15	15	85	100
87 (1961-62)	15	15	89	104
88 (1963-64)	15	14	89	104
89 (1965-66)	16	16	101	117
90 (1967-68)	17	16	104	121
91 (1969-70)	17	15	105	122
92 (1971-72)	16	15	104	120
93 (1973-74)	16	17	120	136
94 (1975-76)	15	15	105	120
95 (1977-78)	17	10	51	68
96 (1979-80)	17	7	48	65
97 (1981-82)	18	9	49	67
98 (1983-84)	18	9	50	68
99 (1985-86)	18	8	47	65
100 (1987-88)	14	6	33	47

TABLE 2-16. Committee on Labor and Human Resources

Congress		Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 1/	(1947-48)	13	4	24	37
81	(1949-50)	13	2	14	27
82	(1951-52)	13	3	21	34
83	(1953-54)	13	8	41	54
84	(1955-56)	13	8	36	49
85	(1957-58)	13	7	41	54
86	(1959-60)	15	9	55	70
87	(1961-62)	15	7	46	61
88	(1963-64)	15	8	62	77
89	(1965-66)	16	13	89	105
90	(1967-68)	16	14	96	112
91	(1969-70)	17	15	127	144
92	(1971-72)	17	15	137	154
93	(1973-74)	16	12	119	135
94	(1975-76)	16	11	122	138
95 2/	(1977-78)	15	8	51	66
96	(1979-80)	15	7	45	60
97	(1981-82)	16	7	54	70
98	(1983-84)	18	7	65	83
99	(1985-86)	16	6	46	62
100	(1987-88)	16	6	46	62

1/ Named the Committee on Labor and Public Welfare, 80th-94th Congresses.

2/ The committee's jurisdiction was expanded and its name changed to the Committee on Labor and Human Resources on Feb. 4, 1977 when the Senate adopted a major committee reorganization measure (S.Res. 4, 95th Cong.).

TABLE 2-17. Committee on Rules and Administration

Congress	Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80 (1947-48)	13	5	15	28
81 (1949-50)	13	5	15	28
82 (1951-52)	13	5	17	30
83 (1953-54)	9	7	19	28
84 (1955-56)	9	6	18	27
85 (1957-58)	9	7	20	29
86 (1959-60)	9	7	20	29
87 (1961-62)	9	6	18	27
88 (1963-64)	9	6	18	27
89 (1965-66)	9	6	18	27
90 (1967-68)	9	6	18	27
91 (1969-70)	9	7	21	30
92 (1971-72)	9	7	21	30
93 (1973-74)	9	7	21	30
94 (1975-76)	9	7	21	30
95 (1977-78)	9	0	0	9
96 (1979-80)	10	0	0	10
97 (1981-82)	12	0	0	12
98 (1983-84)	12	0	0	12
99 (1985-86)	15	0	0	15
100 (1987-88)	16	0	0	16

TABLE 2-18. Committee on Small Business

Congress		Full committee members	Number of subcommittees	Subcmte. assignments available	Full & subcmte. assignments available
80	(1947-48)				
81	(1949-50)				
82	(1951-52)				
83	(1953-54)				
84	(1955-56)				
85	(1957-58)				
86	(1959-60)				
87	(1961-62)				
88	(1963-64)				
89	(1965-66)				
90	(1967-68)				
91	(1969-70)				
92	(1971-72)				
93	(1973-74)				
94	(1975-76)				
95	(1977-78)				
96	(1979-80)				
97 1/	(1981-82)	17	8	28	45
98	(1983-84)	19	9	31	50
99	(1985-86)	19	7	33	52
100 2/	(1987-88)	19	6	34	53

1/ Created by S.Res. 101, 97th Cong., 1st sess., Mar. 25, 1981.

2/ The number of full committee members reflects the addition of one Senator on May 12, 1987. As of May 27, 1987, this Senator had not been assigned to subcommittees, so the number of subcommittee assignments reflects those available as of the organization of the committee at the outset of the 100th Congress.

TABLE 2-19. Committee on Veterans' Affairs

Congress		Full committee members	Number of sub-committees	Subcmte. assignments available	Full & subcmte. assignments available
80	(1947-48)				
81	(1949-50)				
82	(1951-52)				
83	(1953-54)				
84	(1955-56)				
85	(1957-58)				
86	(1959-60)				
87	(1961-62)				
88	(1963-64)				
89	(1965-66)				
90	(1967-68)				
91	(1969-70)				
92 1/	(1971-72)	9	4	20	29
93	(1973-74)	9	4	25	34
94	(1975-76)	9	4	25	34
95	(1977-78)	9	3	18	27
96	(1979-80)	10	0	0	10
97	(1981-82)	12	0	0	12
98	(1983-84)	12	0	0	12
99	(1985-86)	12	0	0	12
100	(1987-88)	11	0	0	11

1/ The Senate Committee on Veterans' Affairs was created pursuant to the Legislative Reorganization Act of 1970 (P.L. 91-510, 84 Stat. 1163) which was signed into law (Oct. 26, 1970) near the adjournment of the 2d Sess. of the 91st Cong. Members were appointed to the Committee at the beginning of the 92d Cong. (1971-1973).

TABLE 2-20. U.S. Senate, Committee Staff: 1947-1986

	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959
Standing Committees													
Aeronautical & Space Sciences	—	—	—	—	—	—	—	—	—	—	—	3	10
Agriculture, Nutrition, & Forestry 1/	3	3	3	8	8	13	8	8	7	8	8	7	7
Appropriations	23	27	18	18	28	36	45	45	36	30	31	29	31
Armed Services	10	9	8	19	33	31	22	23	23	26	27	28	29
Banking, Housing & Urban Affairs 2/	9	9	16	28	27	14	18	60	48	30	25	22	24
Budget	—	—	—	—	—	—	—	—	—	—	—	—	—
Commerce, Science & Transportation 3/	8	19	33	31	22	16	26	19	32	32	33	35	35
District of Columbia	4	3	7	10	18	20	6	3	5	5	6	7	7
Energy & Natural Resources 4/	7	10	14	13	13	13	13	16	30	28	29	29	26
Environment & Public Works 5/	10	10	14	11	10	10	8	8	11	12	14	15	12
Finance	6	6	6	8	8	8	6	8	6	7	8	8	6
Foreign Relations	8	8	7	16	10	13	16	14	17	18	15	23	30
Governmental Affairs 6/	29	42	37	30	32	23	33	41	27	28	32	29	32
Judiciary	19	22	48	42	48	60	99	88	190	170	130	133	133
Labor & Human Resources 7/	9	8	23	38	30	32	32	48	38	32	18	18	36
Post Office & Civil Service	44	47	33	10	10	8	17	14	33	28	31	19	23
Rules & Administration	41	36	19	18	21	20	31	20	13	43	35	19	18
Small Business	—	—	—	—	—	—	—	—	—	—	—	—	—
Veterans' Affairs	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Standing Committees	232	261	288	300	320	329	380	417	311	497	462	424	459
Select and Special Committees													
Spec Investigating the National Defense Program	35	27	—	—	—	—	—	—	—	—	—	—	—
Spec to Study Problems of American Small Business	23	27	11	—	—	—	—	—	—	—	—	—	—
Sel on Small Business	—	—	—	16	23	18	17	14	17	20	22	21	21
Sel on Small Business (Conducting a Full & Complete Inquiry into the Adequacy of Fuel Supplies in New England)	—	—	—	9	—	—	—	—	—	—	—	—	—
Spec to Investigate Crime in Interstate Commerce	—	—	—	76	43	—	—	—	—	—	—	—	—
Sel for Contribution Investigation	—	—	—	—	—	—	—	—	—	4	—	—	—
Spec to Investigate Political Activities, Lobbying and Campaign Contributions	—	—	—	—	—	—	—	—	—	16	17	—	—
Spec to Study Foreign Aid Programs	—	—	—	—	—	—	—	—	—	8	13	4	—
Sel on Improper Activities in the Labor Management Field	—	—	—	—	—	—	—	—	—	—	42	48	49
Spec on Space & Aeronautics	—	—	—	—	—	—	—	—	—	—	—	3	3
Spec on Aging	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Termination of the National Emergency	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Equal Education Opportunity	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Nutrition & Human Needs	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Organization of Congress	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Presidential Campaign Activities	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Standards & Conduct	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Unemployment Problems	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on National Water Resources	—	—	—	—	—	—	—	—	—	—	—	—	4
Spec on National Emergencies and Delegated Powers	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel to Study Governmental Intelligence Gathering Activities	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Ethics	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Indian Affairs	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Intelligence	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel to Study Law Enforcement Undercover Activities of Components of the Dept of Justice	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel to Study the Senate Committee System													
Total Select and Special Committees	58	54	11	91	66	18	17	14	17	48	96	76	77
Total Standing, Select and Special Permanent and Inquiries and Investigations Employees.	290	315	299	391	386	347	397	431	328	545	558	500	536

See footnotes and source information at end of Table.

TABLE 2-20. U.S. Senate, Committee Staff: 1947-1986 (continued)

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972
Standing Committees													
Aeronautical & Space Sciences	10	10	14	11	10	14	12	12	12	12	12	[illegible]	10
Agriculture, Nutrition, & Forestry 1/	10	12	7	11	7	7	7	7	7	7	7		5
Appropriations	31	33	35	33	33	38	37	40	40	38	42		48
Armed Services	23	22	28	24	19	18	18	19	18	18	19	[illegible]	29
Banking, Housing & Urban Affairs 2/	22	7	20	20	19	20	21	22	25	24	23	25	36
Budget	—	—	—	—	—	—	—	—	—	—	—	—	—
Commerce, Science & Transportation 3/	52	34	30	30	37	35	38	45	43	43	53	55	76
District of Columbia	7	8	8	8	8	9	10	10	13	19	18	27	25
Energy & Natural Resources 4/	26	15	18	17	14	18	17	18	18	19	22	24	29
Environment & Public Works 5/	11	12	13	12	13	15	15	18	17	20	34	35	35
Finance	6	6	6	6	6	6	8	14	14	15	16	17	20
Foreign Relations	25	26	25	28	26	21	25	31	32	30	31	34	38
Governmental Affairs 6/	47	48	46	56	59	64	69	73	81	62	55	76	90
Judiciary	137	146	156	166	168	162	187	196	177	179	190	194	202
Labor & Human Resources 7/	28	32	34	36	33	40	34	45	52	77	69	82	105
Post Office & Civil Service	20	18	19	21	19	20	14	19	20	27	31	23	32
Rules & Administration	15	15	14	15	23	22	19	18	16	15	13	15	48
Small Business	—	—	—	—	—	—	—	—	—	—	—	—	—
Veterans' Affairs	—	—	—	—	—	—	—	—	—	—	—	12	13
Total Standing Committees	470	444	473	490	492	509	531	587	587	605	635	711	844
Select and Special Committees													
Spec Investigating the National Defense Program	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Study Problems of American Small Business	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Small Business	19	21	20	19	19	21	21	17	20	19	19	19	21
Sel on Small Business (Conducting a Full & Complete Inquiry into the Adequacy of Fuel Supplies in New England)	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Investigate Crime in Interstate Commerce	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel for Contribution Investigation	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Investigate Political Activities, Lobbying and Campaign Contributions	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Study Foreign Aid Programs	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Improper Activities in the Labor Management Field	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Space & Aeronautics	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Aging	—	11	13	12	14	13	13	13	15	15	17	13	17
Spec on Termination of the National Emergency	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Equal Education Opportunity	—	—	—	—	—	—	—	—	—	—	11	20	20
Sel on Nutrition & Human Needs	—	—	—	—	—	—	—	—	—	11	12	14	14
Spec on Organization of Congress	—	—	—	—	—	—	—	—	5	—	—	—	—
Sel on Presidential Campaign Activities	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Standards & Conduct	—	—	—	—	—	—	3	4	4	3	3	3	2
Spec on Unemployment Problems	5	—	—	—	—	—	—	—	—	—	—	—	—
Sel on National Water Resources	3	—	—	—	—	—	—	—	—	—	—	—	—
Spec on National Emergencies and Delegated Powers	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel to Study Governmental Intelligence Gathering Activities	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Ethics	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Indian Affairs	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Intelligence	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel to Study Law Enforcement Undercover Activities of Components of the Dept of Justice	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel to Study the Senate Committee System	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Select and Special Committees	27	32	33	31	33	36	37	34	44	48	62	69	74
Total Standing, Select and Special Permanent and Inquiries and Investigations Employees.	497	476	506	521	525	545	568	621	631	653	697	780	918

See footnotes and source information at end of Table.

TABLE 2-20. U.S. Senate, Committee Staff: 1947-1986 (continued)

	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Standing Committees														
Aeronautical & Space Sciences	15	16	22	14	—	—	—	—	—	—	—	—	—	—
Agriculture, Nutrition, & Forestry 1/	18	21	22	36	27	34	30	32	32	33	32	31	30	26
Appropriations	47	58	73	72	71	78	81	83	74	76	78	80	81	81
Armed Services	29	25	30	36	30	30	28	31	35	36	38	40	45	45
Banking, Housing & Urban Affairs 2/	40	41	55	48	41	48	37	43	38	36	36	39	32	31
Budget	—	—	90	91	78	93	82	85	71	70	76	69	73	68
Commerce, Science & Transportation 3/	72	83	111	103	91	96	91	88	85	95	87	89	86	82
District of Columbia	39	25	35	31	—	—	—	—	—	—	—	—	—	—
Energy & Natural Resources 4/	42	45	53	53	34	49	55	54	49	50	53	53	48	48
Environment & Public Works 5/	43	54	70	62	52	62	72	60	52	53	54	52	50	50
Finance	21	25	26	39	35	45	41	42	46	50	40	48	55	58
Foreign Relations	46	50	62	63	62	61	67	65	61	64	60	62	59	55
Governmental Affairs 6/	90	106	144	172	154	178	160	155	116	123	121	117	107	101
Judiciary	209	221	251	200	170	200	183	191	137	123	129	137	126	121
Labor & Human Resources 7/	110	112	150	110	112	123	136	122	103	124	141	97	82	117
Post Office & Civil Service	19	23	25	23	—	—	—	—	—	—	—	—	—	—
Rules & Administration	21	30	29	27	28	30	32	33	28	27	29	26	28	26
Small Business	—	—	—	—	—	—	—	—	25	25	26	22	21	20
Veterans' Affairs	22	25	32	21	23	26	23	24	22	21	21	21	22	25
Total Standing Committees	883	948	1,277	1,201	1,028	1,131	1,114	1,108	974	1,004	1,027	973	945	954
Select and Special Committees														
Spec Investigating the National Defense Program	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Study Problems of American Small Business	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Small Business	20	21	22	20	22	26	23	16	—	—	—	—	—	—
Sel on Small Business (Conducting a Full & Complete Inquiry into the Adequacy of Fuel Supplies in New England)	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Investigate Crime in Interstate Commerce	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel for Contribution Investigation	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Investigate Political Activities, Lobbying and Campaign Contributions	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec to Study Foreign Aid Programs	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Improper Activities in the Labor Management Field	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Space & Aeronautics	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on Aging	20	20	21	23	15	22	30	30	23	29	34	34	31	32
Spec on Termination of the National Emergency	4	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Equal Education Opportunity	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Nutrition & Human Needs	15	14	33	20	17	—	—	—	—	—	—	—	—	—
Spec on Organization of Congress	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Presidential Campaign Activities	31	61	—	—	—	—	—	—	—	—	—	—	—	—
Sel on Standards & Conduct	2	—	2	3	—	—	—	—	—	—	—	—	—	—
Spec on Unemployment Problems	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sel on National Water Resources	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Spec on National Emergencies and Delegated Powers	—	6	7	3	—	—	—	—	—	—	—	—	—	—
Sel to Study Governmental Intelligence Gathering Activities	—	—	87	99	—	—	—	—	—	—	—	—	—	—
Sel on Ethics	—	—	—	—	6	27	30	18	18	12	12	9	8	8
Sel on Indian Affairs	—	—	—	—	25	19	21	19	14	19	16	21	22	21
Sel on Intelligence	—	—	—	37	44	38	45	46	41	40	40	38	44	39
Sel to Study Law Enforcement Undercover Activities of Components of the Dept of Justice	—	—	—	—	—	—	—	—	—	5	—	—	—	—
Sel to Study the Senate Committee System (First)	—	—	—	12	6	—	—	—	—	—	—	—	—	—
Sel to Study the Senate Committee System (Second)	—	—	—	—	—	—	—	—	—	—	—	3	—	—
Total Select and Special Committees	92	122	172	217	135	132	129	129	96	105	102	105	105	100
Total Standing, Select and Special Permanent and Inquiries and Investigations Employees.	975	1,070	1,449	1,418	1,163	1,263	1,243	1,237	1,070	1,109	1,129	1,078	1,050	1,054

See footnotes and source information at end of Table.

TABLE 2-20. U.S. Senate, Committee Staff: 1947-1986 (Continued)

1/ Named the Committee on Agriculture and Forestry, 80th-94th Congresses.

2/ Named the Committee on Banking and Currency, 80th-91st Congresses.

3/ Named the Committee on Interstate and Foreign Commerce, 80th-86th Congresses; named the Committee on Commerce, 87th-94th Congresses.

4/ Named the Committee on Interior and Insular Affairs, 80th-94th Congresses.

5/ Named the Committee on Public Works, 80th-94th Congresses.

6/ Named the Committee on Expenditures in the Executive Departments, 80th-81st Congresses; named the Committee on Government Operations, 82nd-94th Congresses.

7/ Named the Committee on Labor and Public Welfare, 80th-94th Congresses.

Sources: 1947-1959, U.S. Congress. Senate. Temporary Select Committee To Study the Senate Committee System. Committee Print, 94th Cong., 2nd sess., Washington, U.S. Govt. Print. Off., 1976. pp. 198-201;
U.S. Library of Congress. Congressional Research Service. Congressional Staffing: 1947-1978. Typed Report, by Judy Schneider, August 24, 1979. Washington, 1979. p. 18;
U.S. Library of Congress. Congressional Research Service. Congressional Committee Staff and Funding. Issue Brief No. IB82006, by Judy Schneider and Carol Hardy, (updated periodically). Washington, 1986. and
Report of the Secretary of the Senate, 1976 through 1986.

FIGURE 2-4. Senate Staff Size: 1947-1986

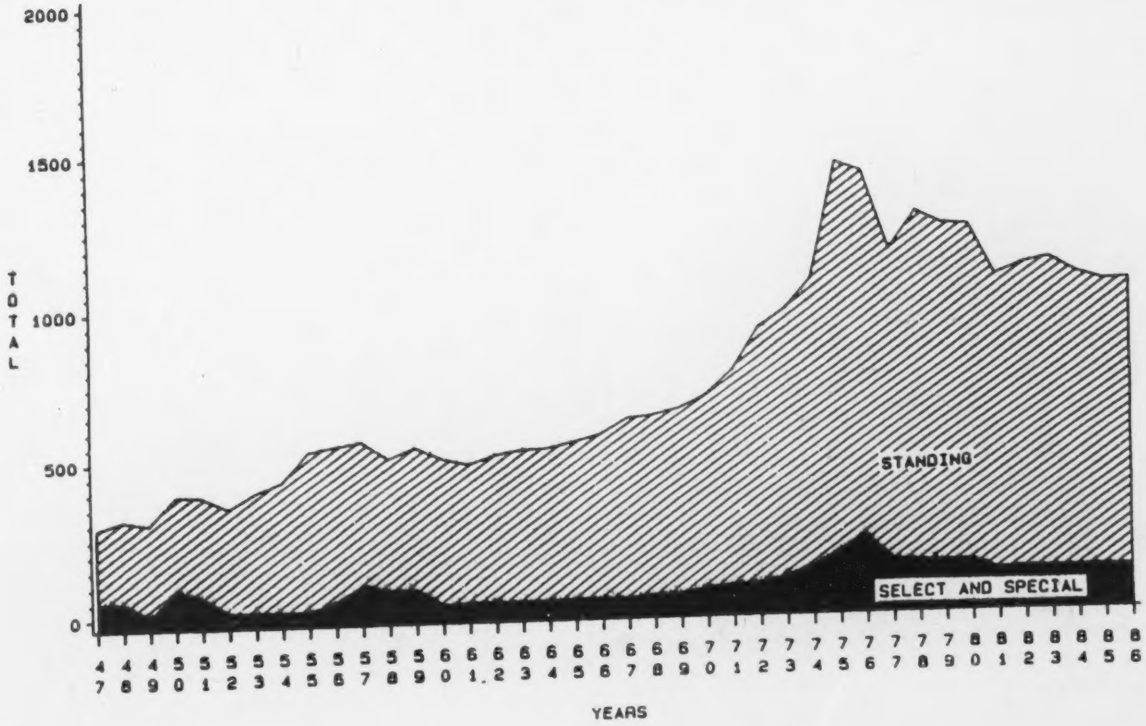

TABLE 3-1. U.S. Senate, Number of Measures Referred to Senate Standing, Select and Special Committees: 94th-99th Congresses 1/

Committee	99th (1985-86)		98th (1983-84)		97th (1981-82)		96th (1979-80)		95th (1977-78)		94th (1975-76)	
Standing Committees	n	% of total	n	% of total	n	% of total	n	% of total	n	% of total	n	% of total
Agriculture, Nutrition, & Forestry 2/	202	4.6	200	4.4	166	3.8	166	3.7	230	4.7	266	4.9
Appropriations	63	1.4	60	1.3	52	1.2	60	1.3	64	1.3	102	1.9
Armed Services	133	3.0	104	2.3	135	3.1	123	2.7	131	2.7	143	2.6
Banking, Housing, & Urban Affairs	188	4.3	180	4.0	196	4.5	183	4.0	237	4.8	265	4.9
Budget	65	1.5	97	2.1	123	2.8	135	3.0	139	2.8	80	1.5
Commerce, Science, & Transportation 3/	241	5.5	251	5.5	205	4.7	236	5.2	357	7.3	486	8.9
Energy & Natural Resources 4/	306	7.0	333	7.3	341	7.8	479	10.6	392	8.0	629	11.6
Environment & Public Works 5/	235	5.4	280	6.2	236	5.4	265	5.8	257	5.2	247	4.5
Finance	727	16.6	761	16.8	779	17.7	741	16.3	734	14.9	690	12.7
Foreign Relations	277	6.3	246	5.4	213	4.8	189	4.2	206	4.2	299	5.5
Governmental Affairs 6/	253	5.8	252	5.5	268	6.1	357	7.9	342	7.0	398	7.3
Judiciary	1,038	23.8	1,071	23.6	1,071	24.3	1,039	22.9	1,013	20.6	1,060	19.5
Labor & Human Resources 7/	293	6.7	325	7.2	239	5.4	247	5.5	317	6.5	388	7.1
Rules & Administration	177	4.1	174	3.8	167	3.8	164	3.6	218	4.4	280	5.1
Small Business 8/	15	0.3	32	0.7	21	0.5	27	0.6	48	1.0	-	-
Veterans' Affairs	92	2.1	88	1.9	116	2.6	76	1.7	118	2.4	111	2.0
Select and Special Committees												
Aging	1	*	2	*	1	*	-	-	-	-	-	-
Ethics	-	-	-	-	1	*	-	-	-	-	-	-
Indian Affairs	59	1.4	72	1.6	63	4	45	1.0	101	2.1	-	-
Intelligence	5	.1	13	0.3	10	0.2	4	0.1	6	.1	-	-
TOTALS 9/	4,370	99.9	4,541	99.9	4,403	100.1%	4,536	100.1%	4,910	100.0%	5,444	100.0%

* = less than .05 percent.

1/ Figures for the 94th Congress are those of the Committee on Agriculture.

2/ Figures for the 94th Congress are the combined totals of the Committees on Commerce and Aeronautical and Space Sciences.

3/ Figures for the 94th Congress are those of the Committee on Interior and Insular Affairs.

4/ Figures for the 94th Congress are those of the Committee on Public Works.

5/ Figures for the 94th Congress are the combined totals of the Committees on the District of Columbia, Government Operations, and Post Office and Civil Service.

6/ Figures for the 94th Congress are those of the Committee on Labor and Public Welfare.

7/ The Committee on Small Business was converted from a select to a standing committee at the beginning of the 97th Congress.

8/ Details may not add to 100% because of rounding.

Source: SCORPIO bill status system, except 98th Congress information, which is derived from Senate LEGIS. Senate committees were reorganized in the 1st session of the 95th Congress pursuant to the Committee System Reorganization Amendments of 1977 (S. Res. 4). Where appropriate, these changes are noted in the above footnotes. Data for temporary committees are not included.

TABLE 3-2. U.S. Senate, Number of Measures Reported by Senate Standing, Select and Special Committees: 94th-99th Congresses 1/

Committee	99th (1985-86)		98th (1983-84)		97th (1981-82)		96th (1979-80)		95th (1977-78)		94th (1975-76)	
Standing Committees	n	% of total	n	% of total	n	% of total	n	% of total	n	% of total	n	% of total
Agriculture, Nutrition, & Forestry 2/	18	1.8	37	3.2	27	2.3	45	3.4	63	5.1	78	6.4
Appropriations	38	3.7	41	3.5	38	3.6	40	3.0	51	4.1	73	6.0
Armed Services	25	2.4	17	1.5	27	2.6	54	4.1	38	3.1	31	2.5
Banking, Housing, & Urban Affairs	35	3.4	27	2.3	25	2.4	53	4.0	51	4.1	49	4.0
Budget	33	3.2	69	5.9	70	6.7	101	7.6	116	9.4	58	4.8
Commerce, Science, & Transportation 3/	73	7.1	102	8.8	79	7.6	107	8.1	97	7.9	116	9.5
Energy & Natural Resources 4/	93	9.1	99	8.5	106	10.1	118	8.9	106	8.6	162	13.3
Environment & Public Works 5/	50	4.9	83	7.1	53	5.1	65	4.9	62	5.0	58	4.8
Finance	22	2.1	30	2.6	36	3.5	67	5.1	80	6.5	69	5.7
Foreign Relations	56	5.4	83	7.1	77	7.4	85	6.4	65	5.3	64	5.2
Governmental Affairs 6/	47	4.6	42	3.6	49	4.7	70	5.3	93	7.5	77	6.3
Judiciary	354	34.5	333	28.7	274	26.2	263	19.9	100	8.1	98	8.0
Labor & Human Resources 7/	56	5.4	47	4.0	34	3.3	40	3.0	70	5.7	70	5.7
Rules & Administration	74	7.2	75	6.5	92	8.8	149	11.3	154	12.5	198	16.2
Small Business 8/	6	0.6	13	1.1	5	0.5	13	1.0	18	1.5	-	-
Veterans' Affairs	12	1.2	10	0.9	10	1.0	11	0.8	15	1.2	20	1.6
Select and Special Committees												
Aging	1	0.1	2	0.2	1	0.1	-	-	-	-	-	-
Ethics	-	-	-	-	1	0.1	-	-	-	-	-	-
Indian Affairs	29	2.8	46	4.0	32	3.1	34	2.6	47	3.8	-	-
Intelligence	5	0.5	6	0.5	9	0.9	7	0.5	6	0.5	-	-
TOTALS 9/	1,027	100.0	1,162	100.0	1,045	100.0%	1,322	99.9%	1,232	99.9%	1,221	100.0%

* = less than .05 percent.

1/ Figures for the 94th Congress are those of the Committee on Agriculture.

2/ Figures for the 94th Congress are the combined totals of the Committees on Commerce and Aeronautical and Space Sciences.

3/ Figures for the 94th Congress are those of the Committee on Interior and Insular Affairs.

4/ Figures for the 94th Congress are those of the Committee on Public Works.

5/ Figures for the 94th Congress are the combined totals of the Committees on the District of Columbia, Government Operations, and Post Office and Civil Service.

6/ Figures for the 94th Congress are those of the Committee on Labor and Public Welfare.

7/ The Committee on Small Business was converted from a select to a standing committee at the beginning of the 97th Congress.

8/ Details may not add to 100% because of rounding.

Source: SCORPIO bill status system, except 98th Congress information, which is derived from Senate LEGIS. Senate committees were reorganized in the 1st session of the 95th Congress pursuant to the Committee System Reorganization Amendments of 1977 (S. Res. 4). Where appropriate, these changes are noted in the above footnotes. Data for temporary committees are not included.

TABLE 3-3. U.S. Senate, Referral of Executive Communications, Presidential Messages, Petitions and Memorials to Standing, Select, and Special Committees: 96th-99th Congresses

Committee	99th (1985-1986) No. of re-ferrals	Exec comm	Pres mes	Pet & mem	98th (1983-1984) No. of re-ferrals	Exec comm	Pres mes	Pet & mem	97th (1981-82) No. of re-ferrals	Exec comm	Pres mes	Pet & mem	96th (1979-80) No. of re-ferrals	Exec comm	Pres comm	Pet & mem
Total referred	5,214	4,047	302	863	5,322	4,211	286	825	6753	5141	454	1158	7030	3695	488	847
Total resulting in a measure	128				115				152 (2.3%)				238 (3.4%)			
Standing Committees																
Agriculture, Nutrition, & Forestry	180	108	10	62	137	111	9	37	195	140	18	37	179	139	18	22
Appropriations	201	141	24	36	183	141	29	13	224	165	40	19	272	212	33	27
Armed Services	471	434	15	22	583	543	9	31	969	838	18	113	734	684	21	49
Banking, Housing, & Urban Affairs	222	172	28	22	231	192	14	25	329	254	31	44	329	278	33	18
Budget	92	66	21	5	91	64	26	1	122	78	36	8	107	70	32	5
Commerce Science & Transportation	345	257	30	58	396	286	36	74	531	407	55	69	555	440	43	72
Energy & Natural Resources	505	405	28	72	567	453	34	80	652	495	44	113	743	545	42	156
Environment & Public Works	224	165	9	50	249	176	11	62	322	231	24	67	545	480	26	39
Finance	367	182	20	165	313	169	20	124	395	207	33	155	377	243	37	97
Foreign Relations	420	258	40	122	466	293	34	139	477	286	36	155	508	365	50	93
Governmental Affairs	1,072	1,034	15	23	852	816	10	26	1,046	996	27	23	1,153	1,069	39	43
Judiciary	493	356	13	124	623	487	14	122	580	421	14	145	687	525	22	140
Labor & Human Resources	433	326	39	68	387	299	37	51	615	410	53	152	586	466	71	49
Rules & Administration	24	18	2	4	41	39	0	2	43	27	3	13	44	38	4	2
Small Business	42	32	4	6	37	33	3	1	68	58	10	0	49	40	7	2
Veterans Affairs	77	55	2	20	80	49	0	31	100	55	10	35	70	44	3	23
Select and Special Committees																
Aging	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ethics	-	-	-	-	-	-	-	-	1	0	0	1	2	1	1	0
Indian Affairs	41	34	1	6	62	56	0	6	83	0	0	1	61	51	4	6
Intelligence	5	4	1	0	4	4	0	0	1	73	2	8	9	5	2	2

Source: Senate LEGIS Communications Files for the 96th-99th Congresses. Data for temporary committees are not included.

TABLE 3-4. Presidential Nominations, by Committee: 1981-1986 1/

Committee	99th (1985-1986)		98th (1983-1984)		97th (1981-1982)	
Standing Committees	Received	Reported	Received	Reported	Received	Reported
Agriculture, Nutrition, & Forestry	34	27	12	11	33	28
Appropriations	0	0	0	0	0	0
Armed Services	607	599	535	530	413	404
Banking, Housing, & Urban Affairs	53	46	45	29	67	64
Budget	0	0	0	0	0	0
Commerce, Science & Transportation	88	73	103	85	110	90
Energy & Natural Resources	40	31	24	16	56	46
Environment & Public Works	17	17	24	21	31	26
Finance	34	33	36	28	45	37
Foreign Relations	232	205	237	201	295	275
Governmental Affairs	43	33	38	26	57	37
Judiciary	281	261	167	132	309	291
Labor & Human Resources	203	155	152	75	221	191
Rules & Administration	4	3	3	2	8	4
Small Business	1	0	1	1	5	4
Veterans Affairs	3	3	0	0	5	5
Select and Special Committees						
Aging	0	0	0	0	0	0
Ethics	0	0	0	0	0	0
Indian Affairs	1	1	0	0	2	1
Intelligence	1	1	0	0	3	2
Total	1,642	1,488	1,377	1,157	1,661	1,505

Source: LEGIS Nominations Files for the 97th-99th Congresses.

1/ Data reflect the number of separate transmittals of nominations to the Senate, whether an individual or a list of names. Therefore, the numbers do not represent separate nominees. In addition, the numbers reflect referrals, and in the case of multiple referrals each committee involved is reflected in the totals.

TABLE 3-5. Presidential Nominations, by Month and Year: 1981-1986

	1986	1985	1984	1983	1982	1981
TOTAL	678	881	457	708	756	899
January	67	160	99	57	51	68
February	50	63	59	40	55	37
March	64	54	86	61	74	56
April	62	91	61	90	59	74
May	87	72	80	77	82	82
June	73	74	72	54	60	112
July	86	94	62	39	59	122
August	52	15	24	48	92	36
September	115	162	83	98	94	92
October	22	96	45	74	28	68
November	0	0	0	70	62	97
December	0	0	0	0	40	55

Source: LEGIS Nominations Files for the 97th-99th Congresses.

TABLE 3-6. U.S. Senate, Committee Hearings 1981-1986

Committee	99th 1/			98th			97th		
	1985	1986	Total	1983	1984	Total	1981	1982	Total
Standing Committees									
Agriculture, Nutrition, & Forestry	41	30	71	44	40	84	56	42	98
Appropriations	179	182	361	199	200	399	183	181	364
Armed Services	NA	NA	NA	83	85	168	130	105	235
Banking, Housing, & Urban Affairs	58	38	96	75	35	110	74	51	125
Budget	27	6	33	12	17	29	28	36	64
Commerce, Science & Transportation	96	60	156	96	79	175	133	80	213
Energy & Natural Resources	64	71	135	89	68	157	84	34	118
Environment & Public Works	67	32	99	80	46	126	107	43	150
Finance	93	57	150	100	84	184	97	74	171
Foreign Relations	106	72	178	113	111	224	139	126	265
Governmental Affairs	73	47	120	86	53	139	130	84	214
Judiciary	145	98	243	158	124	282	162	131	293
Labor & Human Resources	89	49	138	110	76	186	108	73	181
Rules & Administration	14	14	28	19	7	26	14	13	27
Small Business	26	21	47	31	17	48	31	28	59
Veterans Affairs	17	20	37	17	11	28	24	15	39
Select and Special Committees									
Aging	14	15	29	10	7	17	17	8	25
Ethics	0	0	0	0	1	1	4	1	5
Indian Affairs	15	14	29	29	28	57	27	32	59
Intelligence	NA	NA	NA	17	14	31	12	8	20
Total	NA	NA	NA	1,368	1,103	2,471	1,560	1,165	2,725

Source: Final Legislative Calendars for 97th-99th Congresses. In addition, 99th Congress information was provided by the committees themselves, by telephone in instances when the information was not available in a final committee calendar.

1/ NA indicates that the information was neither available in a final committee calendar nor from the committee itself by telephone.

TABLE 4-1. U.S. Senate, Floor Activity: 1945-1986 1/

Congress		Days in session	Hours in session	Hours per day in session	No. of quorum calls	No. of yea & nay votes
79	(1945-46)	304 2/	NA 3/	NA 3/	396 4/	227 4/
80	(1947-48)	257	1,462	5.7	577	248
81	(1949-50)	389	2,410	6.2	857	455
82	(1951-52)	287	1,648	5.7	410	331
83	(1953-54)	294	1,962	6.7	464	270
84	(1955-56)	224	1,362	6.1	156	224
85	(1957-58)	271	1,876	6.9	253	313
86	(1959-60)	280	2,199	7.9	187	422
87	(1961-62)	323	2,164	6.7	115	434
88	(1963-64)	375	2,395	6.4	335	541
89	(1965-66)	345	1,814	5.3	117	497
90	(1967-68)	358	1,961	5.5	128 5/	595 6/
91	(1969-70)	384	2,352	6.1	69	667
92	(1971-72)	348	2,294	6.6	72	955
93	(1973-74)	334	2,028	6.1	60	1,138
94	(1975-76)	320	2,210	6.9	155	1,311
95	(1977-78)	337	2,510	7.4	90	1,156
96	(1979-80)	333	2,324	7.0	61	1,055
97	(1981-82)	312	2,160	6.9	66	966
98	(1983-84)	281	1,951	6.9	37	673
99	(1985-86)	313	2,531	8.1	36	740

1/ Source: Daily Digest of the Congressional Record, unless otherwise indicated.

2/ Sources: Floyd M. Riddick. The first session of the seventy-ninth Congress. The American Political Science Review. Vol. 40, No. 2, April 1946, pp. 256-271;

Floyd M. Riddick. The second session of the seventy-ninth Congress. The American Political Science Review. Vol. 41, No. 1. February, 1947, pp. 12-27.

3/ This information is not readily available.

4/ Source: Senate Journal. 79th Congress. 1st and 2nd sessions.

5/ This figure does not include 3 quorum calls which did not develop quorums.

6/ This figure does not include 1 yea and nay vote which was ruled invalid for lack of a quorum.

TABLE 4-2. Attempted and Successful Cloture Votes, 1919-1986

Congress	1st session attempted	1st session successful	2nd session attempted	2nd session successful	Total attempted	Total successful
66 (1919-20)	1	1	0	0	1	1
67 (1921-22)	1	0	1	0	2	0
68 (1923-24)	0	0	0	0	0	0
69 (1925-26)	0	0	2	1	2	1
70 (1927-28)	5	2	0	0	5	2
71 (1929-30)	0	0	0	0	0	0
72 (1931-32)	0	0	0	0	0	0
73 (1933-34)	1	0	0	0	1	0
74 (1935-36)	0	0	0	0	0	0
75 (1937-38)	0	0	2	0	2	0
76 (1939-40)	0	0	0	0	0	0
77 (1941-42)	0	0	1	1	1	1
78 (1943-44)	0	0	1	1	1	1
79 (1945-46)	0	0	4	0	4	0
80 (1947-48)	0	0	0	0	0	0
81 (1949-50)	0	0	2	0	2	0
82 (1951-52)	0	0	0	0	0	0
83 (1953-54)	0	0	1	0	1	0
84 (1955-56)	0	0	0	0	0	0
85 (1957-58)	0	0	0	0	0	0
86 (1959-60)	0	0	1	0	1	0
87 (1961-62)	1	0	3	1	4	1
88 (1963-64)	1	0	2	1	3	1
89 (1965-66)	2	1	5	0	7	1
90 (1967-68)	1	0	5	1	6	1
91 (1969-70)	2	0	4	0	6	0
92 (1971-72)	10	2	10	2	20	4
93 (1973-74)	10	2	21	6	31	8
94 (1975-76)	22	12	4	4	26	16
95 (1977-78)	5	1	8	2	13	3
96 (1979-80)	4	1	17	9	21	10
97 (1981-82)	7	2	19	6	26	8
98 (1983-84)	7	2	12	9	19	11
99 (1985-86)	9	1	14	9	23	10

NOTE: The number of votes required to invoke cloture was changed March 7, 1975, from two-thirds of those present and voting, to three-fifths of the total Senate membership, as Rule XXII was amended.

Source: Data for 1919-1981 derived from Congressional Quarterly's Guide to Congress, 3rd ed.

Data for 1982-1985 derived from Congressional Quarterly Almanacs, annual volumes.

Data for 1986 derived from SCORPIO bill status system.

TABLE 5-1. U.S. Congress, Number and Length of Bills Enacted: 1947-1986

Congress	Public bills			Private bills		
	No. of bills enacted 1/	Pages of bills enacted 2/	Pages per statute	No. of bills enacted 1/	Pages of bills enacted 2/	Pages per statute
80 (1947-48)	906	2,236	2.5	458	182	0.40
81 (1949-50)	921	2,314	2.5	1,103	417	0.38
82 (1951-52)	594	1,585	2.7	1,023	360	0.35
83 (1953-54)	781	1,899	2.4	1,002	365	0.36
84 (1955-56)	1,028	1,848	1.8	893	364	0.41
85 (1957-58)	936	2,435	2.6	784	349	0.45
86 (1959-60)	800	1,774	2.2	492	201	0.41
87 (1961-62)	885	2,078	2.4	684	255	0.37
88 (1963-64)	666	1,975	3.0	360	144	0.40
89 (1965-66)	810	2,912	3.6	473	188	0.40
90 (1967-68)	640	2,304	3.6	362	128	0.35
91 (1969-70)	695	2,927	4.2	246	104	0.42
92 (1971-72)	607	2,330	3.8	161	67	0.42
93 (1973-74)	649	3,443	5.3	123	48	0.39
94 (1975-76)	588	4,121	7.0	141	75	0.53
95 (1977-78)	634	5,403	8.5	170	75	0.44
96 (1979-80)	613	4,947	8.1	123	66	0.54
97 (1981-82)	473	4,343	9.2	56	25	0.44
98 (1983-84)	623	4,893 3/	7.8	52	NA 4/	NA
99 (1985-86)	664	NA	NA	24	NA	NA

1/ Source: Daily Digest of the Congressional Record.

2/ Source: U.S. Statutes at Large.

3/ Source: U.S. Code. Congressional and Administrative News.

4/ These data are not available.

TABLE 5-2. U.S. Congress, Vetoes: 1947-1986

Congress	No. of regular vetoes	No. of pocket vetoes	Total no. of presidential vetoes	Vetoes overridden		House attempts to override vetoes	Senate attempts to override vetoes
				No.	% of col. 1		
80 (1947-48)	42	33	75	6	14.3%	8	8
81 (1949-50)	70	9	79	3	4.3	5	5
82 (1951-52)	14	8	22	3	21.4	4	4
83 (1953-54)	21	31	52	0	-	0	0
84 (1955-56)	12	22	34	0	-	1	1
85 (1957-58)	18	33	51	0	-	1	1
86 (1959-60)	22	22	44	2	9.1	5	6
87 (1961-62)	11	9	20	0	-	0	0
88 (1963-64)	5	4	9	0	-	0	0
89 (1965-66)	10	4	14	0	-	0	0
90 (1967-68)	2	6	8	0	-	0	0
91 (1969-70)	7	4	11	2	28.6	4	4
92 (1971-72)	6	14	20	2	33.3	3	4
93 (1973-74)	27	12	39	5	18.5	12	10
94 (1975-76)	32	5	37	8	25.0	17	15
95 (1977-78)	6	13	19	0	-	2	0
96 (1979-80)	7	5	12	2	28.6	2	2
97 (1981-82)	9	6	15	2	22.2	4	3
98 (1983-84)	9	15	24	2	22.3	2	2
99 (1985-86)	13	7	20	2	10.0	3	3

Sources: U.S. Congress. Senate. Secretary of the Senate. Presidential Vetoes. Washington, U.S. Govt. Print. Off., 1969;

U.S. Library of Congress. Congressional Research Service. A Summary of Presidential Vetoes: 93rd Congress. Report No. 75-17 GOV, by Ronald C. Moe. Washington, 1975. p. 23;

-----. A Summary of Presidential Vetoes: 94th Congress. Report No. 76-250 GOV, by Ronald C. Moe. Washington, 1976. p. 39;

-----. Vetoes: President Carter. Issue Brief No. IB 79004, by Gary Galemore. Washington, 1981. p. 12;

-----. Vetoes: President Reagan. Issue Brief No. IB 81174, by Gary Galemore. Washington, 1983. p. 12.

TABLE 5-3. Senate Roll Call Votes on Nominations: 1947-1986

Congress	Total roll calls	Nomination roll calls	Percentage
80 (1947-48)	248	11	4.4%
81 (1949-50)	455	17	3.7
82 (1951-52)	331	4	1.2
83 (1953-54)	270	6	2.2
84 (1955-56)	224	7	3.1
85 (1957-58)	313	7	2.2
86 (1959-60)	422	8	1.9
87 (1961-62)	434	11	2.5
88 (1963-64)	541	1	0.2
89 (1965-66)	497	5	1.0
90 (1967-68)	595 1/	5	0.8
91 (1969-70)	667	13	1.9
92 (1971-72)	955	9	0.9
93 (1973-74)	1,138	22	1.9
94 (1975-76)	1,311	22	1.7
95 (1977-78)	1,156	18	1.6
96 (1979-80)	1,055	44	4.2
97 (1981-82)	966	41	4.3
98 (1983-84)	673	16 2/	2.4
99 (1985-86)	740	29 3/	3.9

1/ This figure does not include one roll call that was invalid for lack of a quorum.

2/ This figure includes attempted cloture votes on one nomination.

3/ This figure includes roll call votes on two motions to go into executive session to consider nominations, two motions to invoke cloture on nominations, and one motion to reconsider the vote on a nomination.

Source: Derived from Congressional Quarterly Almanac, 1947-1984, for the 80th-98th Congresses. Ninety-ninth Congress information on total roll calls was derived from the Congressional Record, and on nomination roll calls was supplied by the Congressional Quarterly Research Query Service in Washington, D.C.

TABLE 5-4. Disposition of Nominations Sent to the Senate: 1947-1986

Congress	Total number	Percent confirmed	Percent withdrawn	Percent rejected	Percent no action
80 (1947-48)	66,641	82.2	0.2	0.0	17.5
81 (1949-50)	87,266	99.2	*	*	0.7
82 (1951-52)	46,920	99.1	*	*	0.8
83 (1953-54)	69,458	98.7	*	0.0	1.2
84 (1955-56)	84,173	98.2	*	*	1.7
85 (1957-58)	104,193	99.2	*	0.0	0.8
86 (1959-60)	91,476	98.3	*	*	1.7
87 (1961-62)	102,849	98.0	1.2	0.0	0.8
88 (1963-64)	122,190	98.4	*	0.0	1.6
89 (1965-66)	123,019	98.2	0.1	0.0	1.6
90 (1967-68)	120,231	98.3	*	0.0	1.6
91 (1969-70)	134,464	99.5	0.4	*	0.1
92 (1971-72)	117,053	98.2	*	0.0	1.8
93 (1973-74)	134,384	97.7	*	0.0	2.3
94 (1975-76)	135,302	97.1	*	0.0	2.9
95 (1977-78)	137,509	90.7	*	0.0	9.2
96 (1979-80)	156,141	99.1	*	0.0	0.9
97 (1981-82)	186,264	99.2	*	0.0	0.7
98 (1983-84)	97,867	99.4	*	0.0	0.7
99 (1985-86)	95,937	99.9	*	0.0	0.1

*Less than 0.05%

Note: Details may not add to 100% because of rounding.

Source: Derived from annual summary of the Daily Digest of the Congressional Record.

TABLE 5-5. U.S. Senate, Legislative Activity: 1947-1986 1/

Congress	Time in session		Number of bills 2/			Number of resolutions 3/			No. of quorum calls	No. of yea & nay votes	Attempts to override vetoes 5/	Executive nominations 8/			
												Military		Civilian	
	Days	Hrs.	Introd.	Repdt. 4/	Passed 4/	Introd.	Repdt. 4/	Passed 4/				Submtd.	Confmd.	Submtd.	Confmd.
80 (1947-48)	257	1462	3186	1835	1670	343	257	242	577	248	8	59,471	49,130	7,170	5,719
81 (1949-50)	389	2410	4486	2604	2362	489	352	336	857	455	5	78,778	78,560	8,488	8,002
82 (1951-52)	287	1648	3665	1991	1849	444	313	304	410	331	4	42,359	42,215	4,561	4,289
83 (1953-54)	294	1962	4077	2419	2231	444	402	321	464	270	0	63,959	63,352	5,499	5,211
84 (1955-56)	224	1362	4518	2663	2550	417	392	330	156	224	1	76,114	75,699	8,059	6,995
85 (1957-58)	271	1876	4532	2329	2202	514	473	378	253	313	1	95,312	95,232	8,881	8,079
86 (1959-60)	280	2199	4149	1778	1680	509	461	368	187	422	6	83,057	83,054	8,419	6,846
87 (1961-62)	323	2164	4048	2047	1953	418	504	392	115	434	0	92,185	91,876	10,664	8,865
88 (1963-64)	375	2395	3457	1365	1341	480	448	350	335	541	0	112,541	111,228	9,649	8,973
89 (1965-66)	345	1814	4129	1703	1636	438	448	332	117	491	0	110,667	110,551	12,352	10,314
90 (1967-68)	358	1961	4400	1457	1376	506	455	355	128 6/	595 7/	0	109,140	107,623	11,091	10,608
91 (1969-70)	384	2352	4867	1270	1271	599	438	405	69	667	4	126,404	126,368	8,060	7,705
92 (1971-72)	348	2294	4408	1026	1035	488	276	336	72	955	4	109,970	108,202	7,083	6,707
93 (1973-74)	334	2028	4524	1094	1115	603	330	449	60	1138	10	127,596	124,581	6,788	6,673
94 (1975-76)	320	2210	4114	988	1038	798	387	514	155	1311	15	129,170	125,758	6,132	5,620
95 (1977-78)	337	2510	3800	1014	1070	713	464	526	90	1156	0	129,476	117,039	8,033	7,691
96 (1979-80)	333	2324	3480	862	977	714	441	506	61	1055	2	147,823	146,560	8,318	8,105
97 (1981-82)	312	2160	3396	708	786	668	311	424	66	966	3	177,797	177,176	8,467	7,668
98 (1983-84)	281	1951	3454	835	936	643	303	380	37	673	2	90,286	90,283	7,581	6,979
99 (1985-86)	313	2531	3386	831	940	694	192	391	36	740	3	90,172	90,171	5,765	5,640

1/ Source: Daily Digest of the Congressional Record, unless otherwise indicated.

2/ These numbers include all bills and joint resolutions which were acted upon as indicated.

3/ These numbers include all concurrent and simple resolutions which were acted upon as indicated.

4/ Occasionally measures are taken up on the floor without having been referred to or reported from committee, which partially accounts for the passed sometimes exceeding the number reported.

5/ Sources: U.S. Congress. Senate. Secretary of the Senate Presidential vetoes. Washington. U.S. Govt. Print. Off., 1969; also selected Congressional Research Service compilations by Ronald C. Moe and Gary Galemore.

6/ These figures do not include 3 quorum calls which did not develop quorums

7/ These figures do not include 1 yea and nay vote which ruled invalid for lack of a quorum.

8/ For the 98th-99th Congresses, the totals for nominations submitted do not include measures carried over from the first session to the second session.

TABLE 5-6. U.S. Senate, Legislative Activity: First Sessions, 1947-1986 1/

Congress	Time in session		Number of bills 2/			Number of resolutions 3/			No. of quorum calls	No. of yea & nay votes	Attempts to override vetoes 5/	Executive nominations			
												Military		Civilian	
	Days	Hrs.	Introd.	Repdt. 4/	Passed 4/	Introd.	Repdt. 4/	Passed 4/				Submtd.	Confmd.	Submtd.	Confmd.
80 (1947-48)	143	808	2094	842	723	218	131	118	332	138	2	37,766	37,440	2791	2415
81 (1949-50)	186	1145	2902	1160	1035	258	170	166	413	226	1	49,956	49,738	5355	5131
82 (1951-52)	172	997	2460	952	883	283	180	177	289	202	2	23,437	23,421	2847	2648
83 (1953-54)	125	764	2712	789	705	219	180	146	188	89	0	21,902	21,890	1640	1530
84 (1955-56)	105	560	2863	1244	1182	207	182	143	62	88	1	37,467	37,086	3219	2811
85 (1957-58)	133	861	3043	1098	1034	254	221	176	139	111	0	40,477	40,400	4637	4220
86 (1959-60)	140	1010	2881	916	862	280	231	190	54	215	4	42,809	42,808	4125	3564
87 (1961-62)	146	1005	2789	987	944	282	252	189	33	207	0	45,103	44,798	5667	4163
88 (1963-64)	189	1045	2558	661	673	314	229	188	55	229	0	62,526	62,026	4930	4577
89 (1965-66)	177	961	2853	817	797	231	218	170	45	259	0	49,211	49,097	6554	5479
90 (1967-68)	200	1091	2953	819	783	254	233	182	80	315	0	62,929	62,926	6325	6156
91 (1969-70)	176	927	3472	500	483	354	245	201	29	245	0	68,526	68,498	4633	4413
92 (1971-72)	186	1157	3218	449	442	275	136	162	33	423	2	47,093	45,605	3406	3250
93 (1973-74)	166	960	3044	521	524	290	155	202	26	594	6	64,833	63,616	3247	3201
94 (1975-76)	178	1177	2997	414	434	427	173	248	92	611	5	71,598	68,255	3441	3021
95 (1977-78)	178	1144	2489	395	413	407	243	292	65	636	0	69,680	60,950	4979	4681
96 (1979-80)	167	1159	2320	396	391	392	245	261	19	509	0	81,823	80,565	4384	4294
97 (1981-82)	165	1080	2142	277	268	336	155	220	11	497	0	101,583	100,959	5037	4325
98 (1983-84)	150	1007	2407	410	390	388	160	200	18	381	1	52,587	52,558	3454	2978
99 (1985-86)	170	1253	2255	361	373	396	116	211	20	381	1	55,924	52,315	3719	3603

1/ Source: Daily Digest of the Congressional Record, unless otherwise indicated.

2/ These numbers include all bills and joint resolutions which were acted upon as indicated.

3/ These numbers include all concurrent and simple resolutions which were acted upon as indicated.

4/ Occasionally measures are taken up on the floor without having been referred from committee, which partially accounts for the number of measures passed sometimes exceeding the number reported.

5/ Sources: U.S. Congress. Senate. Secretary of the Senate. Presidential vetoes. Washington, U.S. Govt. Print Off., 1969; also selected Congressional Research Service compilations by Ronald C. Moe and Gary Galemore.

TABLE 5-7. U.S. Senate, Legislative Activity: Second Sessions, 1947-1986 1/

	Time in session		Number of bills 2/			Number of resolutions 3/			No. of quorum calls	No. of yea & nay votes	Attempts to over-ride vetoes 5/	Executive nominations 8/			
												Military		Civilian	
Congress	Days	Hrs.	Introd.	Repdt. 4/	Passed 4/	Introd.	Repdt. 4/	Passed 4/				Submtd.	Confmd.	Submtd.	Confmd.
80 (1947-48)	114	634	1092	993	947	125	126	124	245	110	6	21,705	11,690	4379	3304
81 (1949-50)	203	1265	1584	1444	1327	231	182	170	444	229	4	28,822	28,822	3133	2871
82 (1951-52)	115	651	1205	1039	966	161	133	127	121	129	2	18,922	18,794	1714	1641
83 (1953-54)	169	1198	1365	1630	1526	225	222	175	276	181	0	42,057	41,462	3859	3681
84 (1955-56)	119	802	1655	1419	1368	210	210	187	94	136	0	38,647	38,613	4840	4184
85 (1957-58)	138	1015	1489	1231	1168	260	252	202	114	202	1	54,835	54,832	4244	3859
86 (1959-60)	140	1189	1268	862	818	229	230	178	133	207	2	40,248	40,246	4294	3282
87 (1961-62)	177	1159	1259	1060	1009	136	252	203	82	227	0	47,082	47,078	4997	4702
88 (1963-64)	186	1350	899	704	668	166	219	162	280	312	0	50,015	49,202	4719	4396
89 (1965-66)	168	853	1276	886	839	207	230	162	72	238	0	61,456	61,454	5798	4835
90 (1967-68)	158	870	1447	638	593	252	222	173	48 6/	280 7/	0	46,211	44,697	4766	4452
91 (1969-70)	208	1425	1395	770	788	245	193	204	40	422	4	57,878	57,870	3427	3292
92 (1971-72)	162	1137	1190	577	593	213	140	174	39	532	2	62,887	62,597	3677	3457
93 (1973-74)	168	1068	1480	573	591	313	175	247	34	544	4	62,763	60,965	3541	3472
94 (1975-76)	142	1033	1117	574	604	371	214	266	63	700	10	57,572	57,503	2691	2599
95 (1977-78)	159	1365	1311	619	657	306	221	234	25	520	0	59,796	56,089	3054	3010
96 (1979-80)	166	1165	1160	466	586	322	196	245	42	546	2	65,995	65,995	3936	3811
97 (1981-82)	147	1080	1254	431	518	332	156	204	55	469	3	76,218	76,217	3430	3343
98 (1983-84)	131	940	1047	425	544	255	143	182	19	292	1	37,699	37,725	4127	4001
99 (1985-86)	143	1278	1131	470	567	298	76	180	16	359	2	34,248	37,856	2046	2037

1/ Source: Daily Digest of the Congressional Record, unless otherwise indicated.

2/ These numbers include all bills and joint resolutions which were acted upon as indicated.

3/ These numbers include all concurrent and simple resolutions which were acted upon as indicated.

4/ Occasionally measures are taken up on the floor without having been referred to or reported from committee, which partially accounts for the number of measures passed sometimes exceeding the number reported.

5/ Sources: U.S. Congress. Senate. Secretary of the Senate. Presidential vetoes. Washington, U.S. Govt. Print. Off., 1969; also selected Congressional Research Service compilations by Ronald C. Moe and Gary Galemore.

6/ These figures do not include 3 quorum calls which did not develop quorums.

7/ These figures do not include 1 yea and nay vote which was ruled invalid for lack of a quorum.

8/ For the 98th-99th Congresses, the totals for nominations submitted do not include measures carried over from the first session to the second session, which explains the number of military confirmed being higher than the number of military submitted.

Congressional Operations:

Congress Speaks --
A Survey of the 100th Congress

Center
for
Responsive
Politics

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Senate Findings
"Congress Speaks--A Survey of the 100th Congress"

The Center for Responsive Politics, with support from the Ford Foundation, has recently completed a survey report of 27 Senators, 87 Representatives and 115 committee and personal staff. This was the first survey that simultaneously interviewed House and Senate members and staffs. The survey was used to gauge what members and staff thought about the current state of Congress and what they would most like to change. The Center sought the opinions of members and staff on: what changes are needed in Congress, the budget process, the legislative schedule, the impact of congressional work on personal time, the impact of money on Congress, the role of the press, and the committee system.

The Center's findings reflected considerable interest among Senators in improving congressional operations. The Center's principal Senate findings were:

The Need for Change

- 96.3 percent of all Senators surveyed said changes were needed in how Congress works.
- 66.7 percent said reforming the legislative calendar and schedule was a priority. Campaign finance reform was second, mentioned by 37 percent and budget reform was third with 29.6 percent.

The Budget

- 66.7 percent of all Senators surveyed said the budget process has weakened their committee's ability to make policy.
- 48.1 percent said GRH had worsened the budget process, while 37 percent said it had improved the process.
- 88.5 percent said they would favor a two year budget.
- 68.0 percent said they wanted a special commission to study the budget process and propose changes.
- 50 percent said they would favor abolishing the Appropriations Committee and have authorizing committees make appropriations.

The Legislative Calendar and Senate Rules

- 76.9 percent of all Senators survyed said they supported a 3 week/1 week calendar.
- 80.7 percent said they favored rules to limit debate on issues considered earlier in the session.
- 76.9 percent said they favored limiting the ability of a Senator to filibuster a motion to proceed.
- 61.6 percent said they favored tougher germaneness rules.
- 74.1 percent said they favored eliminating or curtailing the use of "holds."

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How Senators Spend their Time

- 70.3 percent of all Senators survyed said the demands of Congress left them with little or no personal time for family and friends.

- 61.5 percent said they wanted to spend more time developing legislation with colleagues and staff.

- 69.2 percent wanted to spend less time meeting with lobbyists and interest groups.

The Impact of Money On Congress

- 22.2 percent of all Senators surveyed said campaign contributions did make legislative compromise more difficult. Another 25.9 percent said contributions "probably" makes legislative compromise more difficult.

- 53.9 percent said PACs have a negative influence on Congress.

- 52 percent said the demands of campaign financing significantly affected the time they spent on other legislative duties, while another 12 percent said the demands of fundraising have some affect.

- 73.1 percent said they favored abolishing honoraria in exchange for higher salaries.

The Press and Public Understanding of Congress

- 64 percent of all Senators survyed said their state and local press was not doing an adequate job informing constituents about the work of Congress; 76.0 percent said the networks were also doing a poor job informing the public about the work of Congress.

- 64 percent said national papers, such as The Wall Street *Journal* , the New York *Times*, the Washington *Post*, and others, were doing an adequate job informing the public about the work of Congress.

The Committee System

- 59.3 percent of all Senators survyed said they favored reducing subcommittees.

- 76.9 percent said that the parties should place more stringent limits on number of committee and subcommittee assignments each Senator may have.

- 80 percent said they favored more joint committee hearings within the Senate; 60 percent said they also favored more bicameral joint hearings.

- 33.3 said they wanted more open mark-up sessions, 37 percent said they wanted the same number, and 29.7 percent said they wanted fewer such sessions.

7/29/88

The Center for Responsive Politics was founded in January, 1983, to study Congress and find ways to make it more effective. This, the ninth publication of the Center, is a report on a survey conducted in the winter and spring of 1987 of 114 House and Senate members and 115 personal and committee staff in the 100th Congress. The survey explored member and staff reactions to work and life on Capitol Hill, including their views on the budget process, how they mange their time, the impact of money and campaign finance on Congress, the effectiveness of the press in communicating the work of Congress to the public, the strengths and weaknesses of the committee system, and what changes and reforms of Congress they would most like to see.

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This report was written by Peter Lindstrom, with assistance from Paul Hoff, Kermit Midthun, Ellen S. Miller, and Jim Saturno. The statistical information for this report was complied by Christopher J. Deering, PhD and Linda L. Fisher, PhD. Additional assistance to complete the surveys was provided by Gabriel Frayne, Ellene Felder, Rick Miller, Nancy Sellar, and Maureen Shea. Additional background research for this report was provided by Brad Anderson, George Leicht, and Lori Wilson.

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Executive Summary

In the winter and spring of 1987 the Center for Responsive Politics conducted the first bicameral and bipartisan survey interviews of Members of Congress and personal and committee staff. Interviewers for the Center completed 114 member surveys and an additional 115 staff surveys. Members were asked for their thoughts on nearly every aspect of congressional life--from the budget and campaign finance systems, to the committee structure. This report represents the first time so many members and staff have commented in a survey on the state of Congress.

The message conveyed by the respondents is clear--members are frustrated and deeply concerned about the way Congress operates. Underlying the members' responses to these questions was a feeling that Congress is not as effective as it should be. Members themselves said throughout their interviews that reforms are needed, or legislative gridlock will become the norm of congressional life.

Looking at the results of the survey, it is not hard to see how Capitol Hill could reach a state of near-paralysis. Members say the budget process is not working, that they are over-scheduled, that they have to spend too much time on fundraising for their next campaign, and that they have little home life. Members on both sides of the aisle and from each chamber of Congress complained they do not have enough time to think, to talk with their aides, or even to confer with their colleagues. There is a sense of isolation among individuals and between the parties. The results also show sharp partisan divisions on certain issues. What sets this report apart is that the members themselves are voicing these sentiments, not just editorial writers and scholars.

Specifically, these detailed interviews probed respondents for their views on the budget, the committee system, the role of the press in covering Congress, the legislative schedule, the effect of Congress on personal time, the legislative leadership, the campaign finance system, and salary and ethics issues. These interviews yielded a great deal of information, and while the results indicated there were some disagreements between chambers or parties on some issues, there was frequent agreement in many cases.

Among the most notable responses from the members were:

The Need for Change

- When asked if changes were needed in Congress, 94.7 percent of members said yes. The most frequently mentioned reform was changing the legislative schedule, mentioned by 57 percent of all members. In another section of the survey, the members were asked about some specific reforms on the legislative calendar. In response to these questions, 64.6 percent said they favored reforming the current three-day-a-week schedule in favor of one requiring Congress to be in session five days a week, three weeks a month, with the remaining week reserved for work back in the district. Another 57.5 percent of members said they favored writing a formal bipartisan, bicameral legislative agenda at the beginning of each session--though more Representatives than Senators favored this approach.

- When Senators were asked about procedures unique to their chamber, 76.9 percent said they favored limiting filibusters on a motion to proceed to consideration of a bill, 74.1 percent supported curtailing or eliminating "holds," and 61.5 percent said they favored tougher germaneness rules.

The Budget Process

• On the budget, nearly half (49.1 percent) of all members believed the budget process weakened committee policy making. Only 6.1 percent said budgeting strengthened the committee policy making process, while 26.3 percent said it had no effect.

• While opinions were split on most of the other budget questions, there was overwhelming agreement on one reform proposal--85.8 percent of members responded favorably to a two-year budget proposal. In the Senate, 50 percent of Senators surveyed said they would favor abolishing the Appropriations Committee, giving its spending power to the authorizing committees.

How Members Spend Their Time

• Members expressed considerable frustration with how they have to spend their time on the Hill. When asked about their personal time, almost 80 percent of members said their schedule leaves little or no time for personal matters.

• When asked what changes they would make in their work day, 50 percent of members wanted to spend more time developing and discussing legislation among their colleagues and their staff. Another 50 percent wanted to spend less time meeting with interest groups on legislation, while another 45 percent believed they spent too much of their time raising campaign contributions.

The Campaign Finance System

• When asked about the campaign finance system, the members' replies were sharply split between chambers and parties. Almost half of Senators believe the campaign finance system makes legislators less willing to compromise--less than a third of Representatives said the same.

• A little less than 54 percent of Senators thought Political Action Committees (PACs) have had a negative effect on Congress, while some 40.2 percent of Representatives did. Among all members, 20.4 percent said that campaign contributions do influence votes in Congress.

• When asked to choose among eight campaign finance reforms they might support, slightly more than half of Democrats picked public financing as their "most liked" reform, while slightly less than half of Republicans said it was their "least liked" reform.

Salaries and Honoraria

• When asked what they thought was a reasonable salary for legislators, slightly more than half of members believed their jobs were worth more than the $89,500 they are now paid. When asked how salaries should be set, 56 percent of members saying congressional salaries should be set by a straight majority vote by both chambers.

• When members were asked if they would accept higher salaries in return for a ban on receiving honoraria from outside interest groups, 67 percent said yes.

Press Coverage and Public Understanding of Congress

- Overall, 58 percent of members believed their local press and 66.1 percent believed the network television news were not providing the public with enough information on the work of Congress.

- However, 79 percent thought newspapers with a national reputation--for example, the New York *Times*, Washington *Post* and Wall Street *Journal* and others--did provide the public with enough information on legislative activity.

The Committee System

- The survey indicated that 65.8 percent of members responded favorably when asked if they wanted to see a reduction in the number of subcommittees. However, this support was not evenly split among parties, as 85 percent of Republicans and 50.8 percent of Democrats said they favored reductions.

- A little over 80 percent of members said they favored having more joint committee hearings within their chamber.

* * *

The report that follows presents many of the concerns members and staff have about the way Congress operates, and lists some of the solutions offered by members themselves. The members did emphasize some of the strengths of Congress and attributed much of their frustration to deep policy differences among themselves and between Congress and the White House. But the results of the survey also emphasize that current rules and organization of Congress do little to help forge constructive consensus out of the many pressures to which the institution is subjected.

These problems can and should be addressed by legislation and rules that would make Congress a more effective institution. But to make Congress more effective, members must want change: this report shows that many members do.

The Center will continue to work closely with members of Congress and the public interested in pursuing what this survey demonstrates about how Congress works today and how it might work differently in the future.

This report summarizes the key findings of the survey and offers a number of quotes gleaned from the interviews. This report has focused principally on the members' responses, though staff responses are included in those cases where their responses differed sharply from those of the members or for certain questions that were asked of staff only. The relevant charts to each chapter immediately follow the text of each chapter. The Introduction of this report is an overview of the Center's survey and general findings. Chapter 1 reports on what changes members and staff believed were most needed in Congress. Chapter 2 covers the responses to the budget questions. Chapter 3 discusses several aspects of how members manage their time. Chapter 4 summarizes the responses to questions on campaign finance, salaries, honoraria, and certain ethics issues. Chapter 5 summarizes the member and staff responses to questions on congressional committee structure. Chapter 6 covers members and staff reactions to how the press covers Congress. Chapter 7 provides technical information on the survey.

A Note on the Charts

The charts following each section summarize the statistical results covered in that section. Each chart provides the results by members, personal staff, and committee staff. The percentage in each case indicates the percent of resonpondents who gave that answer. The charts themselves are organized by party and chamber results, with each chart containing a "Total" column, providing results of all the respondents. In some cases, questions asked of one group were not asked of others. In those cases, the charts indicate which groups responded to the question. Because some questions were opened ended, mutliple responses were allowed. Charts on questions where more than one answer was allowed are marked "multiple responses allowed." At the bottom of each chart, the number of respondents who answered the question is indicated by "n=" which is the notation for "size of sample."

Introduction: The State of Congress

Between the 1960s and late 1970s, a reform movement led by several members attempted to change how Congress worked. Many of the changes, particularly in the House, were designed to reduce the power of the seniority system and committee chairmen, while giving more power to less senior members. Other reforms made in this period revamped the budget process and changed the organizational structure of Congress, particularly with respect to the number and jurisdictional scope of committees and the budget process. The result of this reform movement was that Congress was a fundamentally different institution in 1980 from the one it was in 1960. By 1980, the role of seniority and the power of committee chairmen had been reduced in the House, while the entire committee structure in the Senate had been overhauled.

Much of this reform effort was rooted in the policy climate of the 1960s and 1970s. In the 1960s, the civil rights movement, the war on poverty, the "Great Society" programs, and other social policies led to demands by members of Congress for a larger role in legislative policy making. But the demands of those who wanted a larger policy making role conflicted with the power of the seniority and committee system. This conflict sparked a series of reforms that broadened opportunities for individual members to have a larger role in making legislative policy.

However, the focus of national policy in the 1980s has shifted. Budget demands seemingly dominate policy considerations and Congress spends more time to get through its expanding workload. Probably one of the best indicators of this growth in the legislative workload is the size of a typical bill. In 1962, the average congressional bill was 2.3 pages long; in 1982, the average was 9.2 pages per bill. Part of the reason for this increase in legislative work can be directly attributed to the changes made during the reform period. Power was centralized during the era of seniority and the strong committee, but the reform period created a more diffuse system of power in Congress. This diffuse system of power created more opportunities for members to legislate, but it also created a system where several competing forces vied to influence policy.

Although most members appreciate the new opportunities and power achieved during the reform movement, they still to complain about the disorganized nature of congressional operations. But while many members continue to discuss additional changes in Congress' operations and structure, it has been five years since the last comprehensive reform committee was convened in the Senate, seven years in the House. Does this lack of action indicate members are resigned to the current state of Congress? Or is there a lack of consensus on what Congress can or should do? It was to find the answers to these questions that prompted the Center to undertake its survey.

Surveys and Congress

Academics, reformers, and members of Congress themselves have used surveys to "take a snapshot" of congressional opinion at a given time. Sometimes the reason for surveying members and staff has simply been to obtain more information and insight into Congress. Surveys have also been used by groups like the Democratic Study Group, Common Cause, congressional committees and others as way to gauge support for or opposition to a particular set of reform proposals.

However, many of the surveys were, for good reason, targeted to a specific chamber or even to a specific party within one chamber. Bicameral, bipartisan surveys by either academics or groups advocating a specific objective, are rare. This survey is the first bipartisan survey of Representatives, Senators, personal and committee staff.

The Center for Responsive Politics undertook this survey to assess how Senators, Representatives and staff felt about the way Congress works, what their reactions to some specific reform proposals are, and what, if anything, they would most like to see changed. The final questionnaires included open and closed ended questions on nine principal topics: the budget process, the committee system, the press's coverage of Congress, how members manage their professional and personal time, legislative procedures, the party leadership, the role of campaign finance, and questions on salary and ethics issues. Also included were three general open ended questions to open and close the interviews. The first question asked respondents about what most surprised them about Congress. The last two questions asked respondents what they would most like to see changed in Congress, and how long they planned to work on Capitol Hill. These general questions were designed to get members to talk openly about any congressional topic or issue that most concerned them.

In all, the Center interviewed 114 Senators and Representatives and an additional 115 personal and committee staff. Most ot the interviews averaged some 30 to 45 minutes, though one Senator gave a Center interviewer 90 minutes. The results from this sample covered hundreds of pages of statistical material. For this summary report, the Center focused on member responses, citing staff in those cases where their answers were sharply different from those of the members, or in those cases where a question was asked of staff only. The tables following each chapter provides complete information on all the survey results from members and staff, cross-referenced by parties and chambers.

A Desire for More Coherence

The general sense of Congress conveyed by members was that its operation is too chaotic and that this has a negative affect on the quality of policy making and the quality of their personal lives. Moreover, the members were not satisfied with this situation. When asked if they would like to see changes made in Congress, 94.7 percent of members said yes. And the leading change that 57 percent of members want most are chanings in legislative scheduling--from when legislation appears on the floor to how they spend their time in Washington and back in the home districts.

This desire for more predictability reflects a belief that a more predictable schedule would allow members to better use their time. By the same token, many of the answers indicated substantial frustration with the chaotic operation of Congress. Most members said "inefficiency" was what surprised them the most when they first arrived in Washington. Answers to questions about specific reforms also indicated a desire for more organization: members supported a two-year budget cycle, a formal legislative agenda at the start of the session, a reduction in the number of subcommittees, and changes in how their time is managed. For example, an overwhelming majority felt the work of Congress now leaves them little or no time to spend with family and friends. About half of members felt that they needed more time to discuss and develop legislation among themselves and with their staffs. An equal number felt that the demands of fundraising interfered with the time they spent on legislative work.

However this desire for a more orderly work schedule is not evenly divided between chambers. Overall, House members had fewer complaints than Senators. Part of the reason for this is probably because the larger House relies more than does the Senate on its committee structure and rules in making policy. Accordingly, the changes Representatives tended to favor were those in the rules, such as a formal legislative agenda. In the Senate, legislators must deal with the same workload as Representatives, but there are a fewer members to share the workload and the Senate's legislative procedures are far more informal than those in the House. Consequently, Senators are more aware of the extend to which their time is at a premium and were more willing to support reforms that would give them more time. For example, Senators were far more likely to support campaign finance limits. Most surprising was that 50 percent of the Senators interviewed would also go much further on changing the budget process than their House counterparts. These Senators would do away with the Appropriations Committee and transfer its spending power to the authorizing committees, reducing the budget process by one whole step.

Policy Implications of Proposed Reforms

These survey results among the members do not indicate a shift away from the changes made by past reformers; rather, they indicate a shift in priorities. Both the reformers of the 1960s and 1970s and today's members were concerned about the "nuts and bolts" of how things got done. But for earlier reformers, the focus was on spreading power and opportunity to more members and, to a lesser extent, structural reforms in the committee system. Today's members seem more interested in adding greater order to the congressional schedule, both to improve how legislation is managed and to improve the quality of their lives.

But one should not assume that these results indicate a desire by members to return to the days of seniority rule. Instead, members would prefer to "fine tune" the past reforms to improve the way legislation is written and enacted. Members supporting such organizational changes would argue that greater efficiency and coherence in operations would improve the quality of legislation that is written. And others would argue that greater predictability in the calendar leads to less frustration and that might lead to fewer early retirements.

However, while they might want a more orderly work schedule, many of the reforms they supported would have a significant on the impact of legislation considered by Congress. Because of the nature of Congress as a policy making institution, any change in procedure is likely to affect policy making in the rest of the nation. For that reason, the Center's survey results showing a desire for more organization and predictability would have a significance far beyond the halls of the Capitol.

For example, a majority of members supported having the House and Senate leadership write an agenda of key legislative priorities for the coming session and making any departures from this agenda subject to points of order on the floor. Many members supported this proposal as a way of achieving predictability in the legislative calendar. At first glance, such an agenda would seem to be of interest only to members of Congress. But the implications of a legislative agenda go beyond a simple matter of how Congress organizes its time. By announcing a specific agenda well in advance of the session, members of Congress would be assuming a more assertive role in making policy. Such an assertive role has implications for executive/congressional relations because the legislative agenda could either enhance or compete with a president's policy agenda. Such an agenda also means Congress must make decisions on which issues it will act on in a session and which issues it will not. Thus the legislative agenda could also sharpen the public debate on these issues by providing the public and the press with a clear guideline of congressional priorities.

Similarly the support for a two-year budget demonstrates how a seemingly technical change would have an impact beyond Capitol Hill. On one level, a two-year budget process is a way to improve how Congress writes a budget by giving authorizing and appropriating committees more time to plan and pass programs. Supporters of a two year also argue that such a process would give committees more time to do oversight. But if the process was expanded to two years, budgetary planning for the executive branch would also have to be changed to accommodate the new schedule.

The survey results showing that members would like more organization in Congress are consistent with events of the last few years. Since 1979, both Houses have attempted, with varying success, to limit subcommittee growth, and to change the rules to give leadership more power in setting the legislative calendar and, in the Senate, to change the rules on filibusters and germaneness requirements. But the survey results indicate that members would like to see still more done in terms of how Congress operates.

But even with a strong consensus for reform, achieving change within the halls of the Capitol remains another problem. Even though members want to see more predictability and organization in Congress, there is no guarantee that it will happen. It often is just as difficult to pass a procedural change in Congress as it is to pass a budget--and certainly a budget will always have a higher priority in most members' minds. Whether the members' desire for more organization in Congress will result in action in the near future will depend on the members themselves. It will take time and work to build a consensus for change within Congress.

The Center will to follow up on these survey results by further analyzing their implications of these results, by presenting its findings to the public, and by working with members of Congress interested in exploring proposals to improve the way in which Congress works.

1

The Need for Change

The respondents were asked if they thought any changes were needed in Congress and, if so, what changes were most needed. This was an open-ended question that was asked to give the respondents an opportunity to raise any of these concerns that might or might not have been covered by the other survey questions. If a respondent said change was needed, the Center took every answer given, a procedure that lead to a number of multiple answers for most respondents.

Among members, an overwhelming 94.7 percent said some changes were needed in Congress. Only 3.5 percent said no changes were needed in Congress, and another 1.8 percent gave "mixed" answers, such as that of the member who said, "I think some changes are needed, but I am not sure what is most needed."

When asked to elaborate on the changes they thought were needed most, 57 percent of members mentioned reforming the legislative schedule and calendar. Among the 57 percent of those members who favored schedule reforms were: 21.1 percent who simply said the schedule needed reform, 14.9 percent who asked for a "predictable" legislative schedule, and 7 percent who said they wanted a more "efficient" schedule.

Budget reform was second most often mentioned by 31.6 percent of members. However, almost twice as many Republicans, 42.8 percent, gave this answer, as compared to 23.1 percent of Democrats. Most of the respondents mentioned the need for budget reforms in general. Specific reforms mentioned included the two-year budget, mentioned by 6.1 percent of respondents. Senators, by a 11.1 percent to 4.6 percent margin, mentioned the biennial budget more frequently than did Representatives. Two other budget reforms, a line item veto and a balanced budget amendment, were mentioned by 2.6 percent of respondents.

Campaign finance reform was the third most frequently mentioned change, mentioned by 21.2 percent of all members. This reform was more likely to be given by Democrats and Senators, than by Republicans and Representatives. Among Democrats, 29.2 percent mentioned campaign finance reform, as compared with 10.2 percent of Republicans. The number of Senators mentioning this reform, however, totaled 37 percent as opposed to 16.1 percent of Representatives.

Reforming the committee system was the fourth most frequently mentioned item overall, with 20.2 percent of members suggesting some kind of change. There was a slight party difference in this category, with Republicans being slightly more inclined to mention committee reform by a 24.5 percent to 16.9 percent margin.

The remaining answers were scattered among several other categories, none of which received more than 15 percent, though there were two significant findings among them. The first, limiting the length of House terms, received 12.3 percent overall. The second was "more limits on the individual freedom" of members. While this received only 7 percent overall and 3.4 percent among House members, 18.5 percent of Senators gave this response.

A little over 95 percent of personal staff also felt some changes were needed in Congress, and both personal and committee staff listed the same four leading answers as the members, though staff gave them different emphases. For example, the leading answer among personal staff was budgetary reform, mentioned by 41 percent of the respondents. Running a close second with 39.3 percent of the personal staff responses was reforming the legislative schedule. Working toward a more "predictable" or "efficient" schedule was the leading answer in this category. Campaign finance reform and committee reform tied for third among personal staff, each being mentioned by 26.2 percent of the respondents.

Among committee staff, 96.2 percent thought some changes were needed in Congress, as opposed to 3.8 percent who said they "didn't know." Interestingly, 100 percent of Republican committee staff believed changes were needed in how Congress operates. The committee staff responses were concentrated in five categories. Two categories--committee reorganization and scheduling reforms--tied for first, each being mentioned by 35.8 percent of the respondents. Not surprisingly, both these categories have a direct bearing on the work of this group of respondents. Budget reform was next, mentioned by 28.3 percent of committee staff. Two other answers were given by 18.9 percent of committee staff--campaign finance reform and staff issues--such as salary, crowded working conditions and so on.

2

The Budget

"Nowadays the budget process runs the committee system, yet we have only been able to complete one budget on time here in the last 11 years." --a Democratic Senator

The power of Congress over the federal purse rests in Article I, Section 9, of the Constitution--"No Money shall be Drawn from the Treasury, but in Consequence of Appropriations made by Law." However, while the Constitution refers to the appropriating process, Congress has, since the beginning of the Republic, used the additional step of authorizing money for programs before passing an appropriations bill. For that reason, budgetary work in Congress is divided between authorizing committees and the appropriations committees.

Before the Civil War, budgeting was a fairly informal process. The expenses of the Civil War and Reconstruction led to the creation of the House Appropriations Committee in 1865 and the Senate Appropriations Committee in 1867 to better manage the budget. Even with these committees, the budget process remained fairly informal. Executive agencies and the White House asked congressional committees to approve funds as needed. The Budget and Accounting Act of 1921 changed that procedure by requiring the president to write an annual budget for consideration by Congress. In the 1940s and 1950s, there was a subtle shift in congressional budgeting that increased the power of the authorizing committees. Prior to that time, federal agencies and programs usually had a continuing or permanent authorization, and the appropriations committees updated spending on a yearly basis. But shortly after the Second World War, many authorizing committees began to use yearly authorization bills, allowing these committees to review programs and policies on an annual basis.

But the new power of the authorizing committees also led to greater decentralization of the budget process. Congressional reformers succeeded in passing the Budget Act of 1974 to give more order to the process and to improve budget planning. Since it was not possible to induce the authorizing and appropriating committees to give up some of their power, reformers created a Budget Committee with the power to coordinate budget planning and to write bills to reconcile the differences among the other committees.

While the Budget Act did add some more organization to the process, delays in the federal budget continued. Because it has been difficult for members to complete the 13 appropriations bills required by law, Congress increasingly relies on Continuing Resolutions to manage the budget. Continuing Resolutions were originally designed to provide temporary "stop gap" funding for a particular agency or program. But Continuing Resolutions have been used to fund programs for an entire year when Congress was unable to resolve its differences on a budget. Many members have complained that we are becoming a "government by Continuing Resolution."

Continued concern about the federal deficit led to the enactment of Gramm-Rudman-Hollings (GRH) deficit reduction legislation in 1985. The legislation, written by Senators Phil Gramm (R-TX), Warren Rudman (R-NH), and Fritz Hollings (D-SC), required committees to meet specific deficit reduction targets over the next five years. Should Congress fail to meet those targets, a series of automatic spending cuts would take place in what is known as the budget sequester. The GRH provisions requiring congressional committees to submit budgets that conform to the annual targets are still in force. In 1986, the Supreme Court ruled that the plan for automatic cuts was unconstitutional, though revisions to GRH in 1987 created new procedures for automatic cuts.

2.1 Reactions to the Budget Process

When members were asked, "What impact has the budget process had on your committee's ability to make policy?" 49.1 percent felt that the budget process had weakened policy making, 26.3 percent said it had little or no effect, 12.3 percent said "other"--for example, that policies, not the process, were the problem, and 5.3 percent said the effect of the budget process varied among committees. Only 6.1 percent said the current budget process strengthened policy making.

Senators felt more strongly about the impact of the budget process on the ability of their committees to make polcy. Two-thirds of Senators said the budget process weakens their committee's policy making function, while 14.8 percent said it had little effect. Only one Senator said the budget process has strengthened policy making, saying, "It has a dramatic effect on policy making, in cutting taxes and controlling spending, but it hasn't gone far enough." In the House, 43.7 percent of members said the process has weakened policy making, while 29.9 percent said it had no effect.

Most of the comments from Representatives and Senators reflected a belief that the budget process is not working. One House Democrat flatly stated, "The Budget Act [of 1974] has been a failure. Fortunately, this need not be a permanent affliction." A House Republican said, "I'm just so surprised at how convoluted and difficult the whole [budget process] is. This is more surprising when you consider the system was supposed to involve more members in making decisions, yet the whole thing is unworkable."

One House Democrat summarized the decline of authorizing committees in the budget process: "It's harder and harder to justify the process, especially to younger [House] members. We have to fight like hell on the same issue three times a year and [the] Appropriations [Committee] still writes the final bill. A smart younger member will want to get on Appropriations, because that's where the real power is."

Another House Democrat, a member of the Appropriations Committee, complained that even with the Budget Act of 1974, the system is too disorganized, especially in coordinating House and Senate activity. "We're just marking time in a lot of our hearings," he said. "We're getting the information we need to deal with the Senate at the end of the session--and Senate Appropriations won't be done until the last two weeks of the year. Then we rush to get something out in the last two weeks, the way a football team does a two-minute drill at the end of a game. That's it, really. The budget process looks more like a sporting event than a policy process."

Opinions on the impact of Gramm-Rudman-Hollings were split, with a plurality saying it has not helped the process. Overall, 46.5 percent of members believed Gramm-Rudman-Hollings has not improved the process, 34.2 percent believed it has, 4.4 percent said the effect was mixed, and 11.4 percent said Gramm-Rudman-Hollings has had little effect. There were no significant chamber differences, but there were some slight party disagreements. Among Democrats, a slight 52.3 percent majority believed Gramm-Rudman-Hollings has weakened the budget process, 30.8 percent said it has improved the process, and 10.8 percent said it has had little effect. For Republicans, those who believed the process has worsened and those who believe it has improved tied at 38.8 percent, while 12.2 percent believe Gramm-Rudman-Hollings has had no effect.

Many of the respondents voiced the opinion that while the budget process itself has not improved, GRH was really designed to lower the budget deficit. According to one Democratic Senator, "[GRH] hasn't made a real difference in how we write a budget, it's just lowered some numbers. Gramm-Rudman-Hollings is a case of political courage vs. political expediency--and political expediency usually wins." Many other respondents felt that while GRH has had no impact on the process, its impact on the deficit has been beneficial. One Democratic Senator said, "I'm not sure about the impact of

Gramm-Rudman-Hollings on the process itself. I know it has had a positive impact on the budget by reducing deficits."

Another significant issue regarding the impact of budgeting on policy making is the relationship between the appropriations and authorizing committees. Though a certain level of competition has always existed between these committees, some believe the competition is rapidly become a source of tension that hinders budgeting and legislation. The survey found that this is the case. When members and staff were asked if they believed there was tension between the appropriations and authorizing committees, the answer was an overwhelming "yes." The proportion of respondents saying there was tension ranged from a "low" of 69.2 percent of committee staff to a high of 86 percent of members. Although there were no significant differences between chambers or parties, 29.6 percent of Senators attached an additional response to their answers--they said there was equally significant or even greater tension between the Appropriations Committee and Budget Committee within their chamber, and this hampered their work.

Although there was overwhelming agreement about the existence of tension between the committees, it was not unanimous that this was a problem. In fact, a few respondents thought this was the natural way for the budget to work. Said one House Republican Committee staff director, "Is there tension between [these committees]? There sure is and this problem has existed since about, oh, say 1830." Another Republican Representative was worried that there was not enough tension between these committees--"When the authorizing committees see what the appropriations committees are doing on policy, we should be raising holy hell." But most of the opinions by members were reflected by one House Democrat--"...the Budget Act...Gramm-Rudman-Hollings...[these] have really increased the tension between the appropriating and authorizing committees, [and this] has rendered the authorizing committees less important, less powerful, and largely unnecessary."

One House Republican gave a graphic example of how the conflict between the appropriating and authorizing committees affected him. "One reason I'm on [an exclusive committee]," he said, "is because I was sick to death of being on an authorizing committee whose power was being usurped by the appropriations [committees.]" This Republican sought a seat on more powerful committee. "This [appropriations-authorizing] situation really bugged the s--- out of me," he said, "so I let people know that if I didn't get assigned to [an exclusive] committee, I was going to leave."

2.2 *Responses to Specific Budgetary Reforms*

The Center followed up its general questions on the budget with seven questions on specific budget reforms and found one proposal, "Appropriating funds on a two-year cycle," to be an overwhelming favorite. Overall, 85.8 percent of members, 76.9 percent of committee staff, and 65.6 percent of personal staff said they favored two-year appropriations. On this question, Republicans were far more likely to mark the "Strongly Agree" column, while Democrats were far more likely to answer "Somewhat Agree."

Those few members who objected to a two-year cycle questioned whether or not it would significantly change the system. "I'm not opposed to a two-year cycle," said a senior Democratic Representative, "but I do wonder if it would work. Frankly, I can see us having the same problems [completing the budget] we now have, only on a two-year basis, and not within one year like we now have."

But many who supported the two-year budget cycle felt that such a system was needed to improve congressional budgeting. One frequent response was that a two-year cycle was necessary to help improve the oversight process. Others believed the two-year cycle would improve the system by improving planning. A Republican Senate staff director who supports the two-year cycle said the current budget system "is based on authorizing committees finishing their work before the appropriators begin theirs, so you have a clearly defined set of policy goals before the budget is written. But these committees can never finish before the appropriators begin. No committee can make the necessary assessments between January and April; there isn't enough time to review the issues."

One of the survey's more startling findings was the attitude of Senators toward the Appropriations Committee. Some members and budget reformers have suggested that the conflicts between authorizing and appropriating committees can be resolved by abolishing the Appropriations Committee, and giving the power to write all appropriations bills to the authorizing committees. Only a third of Representatives favored this proposal, while 50 percent of the Senators surveyed would abolish their Appropriations Committee.

Many of the Senators' comments on this proposal reflected their belief that the Appropriations Committee is using the budget process to encroach on the policy decisions made by other committees. "[The system makes it] difficult for any authorizing committee to make policy," said a Republican Senator. "Right now I'm on a committee that has to meet without a budget resolution, so we don't have an actual budget. So we are marking up our bills at two levels...[Then] the Appropriations Committee keeps funding programs we never authorize." But the 50 percent who would not do away with the Appropriations Committee thought this move was unnecessary or too radical. Said one Republican Senator, "Certainly, something has to be done on the budget, but this approach is too extreme."

The 1984 House Task Force on the Budget Process proposed another approach to the budget--planning and designing a single ominibus appropriations bill instead of attempting to write 13 separate appropriations bills. But most members and staff do not favor this approach to budgeting. Negative responses to the idea ranged from a high of 78.7 percent of personal staff to a low of 56 percent for committee staff. Of members surveyed, only 28.8 percent favored the idea while 66.1 percent opposed it. Perhaps the most frequent comment on that question by members were references to the large budget bills that are frequently written at the end of a legislative session. "Single omnibus budget? We already do that, but by accident not design," said a House Republican who opposed the proposal.

The item veto, a system where a president can veto specific items in a bill without vetoing the entire bill, is prohibited under the Constitution. Funds for most projects and agencies are entered into a single larger appropriations bill so that if the president objects to some items in bill but not others, he must veto the entire bill to prevent the enactment of the particular items he opposes. But some members believe the president should have the power to veto specific items without rejecting the whole bill. Some supporters of this approach maintain that a line item veto is possible without changing the Constitution if every item in an appropriations bill is enacted as a separate piece of legislation.

Members are opposed to any item veto, though the responses to the Center's question on a line item veto reflected deep partisan divisions among respondents. Overall among members, 58 percent disagreed or strongly disagreed with the line item veto, while 42 percent agreed or strongly agreed with it. But among Republicans, 60.4 percent strongly agreed and 22.9 percent somewhat agreed with the line item veto, for a total of 83.3 percent. In contrast, 89 percent of Democrats opposed the line item veto.

3

Using Time on Capitol Hill

The Center's first question--"What one or two things most surprised you about how Congress operates?"--was designed to get at what most concerned or interested the respondents. Some respondents had been on Capitol Hill for a long time and could not remember what had surprised them in the past. In that case, the interviewers modified the question to "What still surprises you about how Congress works?"

The leading answer among all respondents--members, personal and committee staff--was that "inefficiency" was the most surprising thing about Congress. Members gave this answer more often than any other group, with 44.7 percent mentioning this problem. Among staff, inefficiency was mentioned by 30.2 percent of committee staff and 24.5 percent of personal staff.

Many members described specific events to illustrate what they meant by inefficiency. "We are called the greatest deliberative body in the world," said a House Republican. "But on a multibillion-dollar defense authorization bill, you only see two or three people on the floor debating it, while everyone else is in another committee meeting. Then, when a vote is called, people just follow the party or committee line on a bill." Another House Republican said, "The most difficult part of this job is trying to be in three places at once: in committee, on the floor and on the telephone returning calls." A House Democrat summed up the feelings of many members with previous legislative experience by saying, "Being a state legislator just doesn't prepare you for how disorganized things are around here."

Most Senators echoed their House counterparts. "It is ponderous the way things are done here, and that accounts for the duplication in the system," said a Republican Senator. "If I were designing a legislature for the 20th century, I would design a unicameral one." "Time and money," said a Democratic Senator, "that's all there ever is around here. And everything goes on the budget. When I first got here, they would have put you in jail for talking about a trillion-dollar budget." Another Democrat said, "The inability to schedule my time surprised me most. I went from a managerial position to a fraternity and it is a shock."

The second largest category was "other," a collection of very specific, individual answers, mentioned by 21.1 percent of members. The answers falling into the "other" category covered a wide range, from that of a Democratic member who was astonished at how time consuming House roll call votes were before electronic voting was introduced, to a Democratic Senator who did not think the Senate took its "advise and consent" role on presidential appointments seriously enough. "We could improve government policy making if we were more critical," he said. "Right now there is too much of the 'if the president wants someone, he should get it' attitude."

Other members spoke of their own opportunities. "I was most surprised by how wide open power is here [in Congress]," said a Republican Representative. "If you're willing to go through enough doors, you can get something done." A House Democrat said he was pleasantly surprised to find that "a junior member actually has some say in how things are done here."

The third most frequent answer among members was "partisanship," with 11.4 percent. This answer was given principally by House Republicans, dissatisfied with their position vis-a-vis the Democrats. Another 10.5 percent of members mentioned the quality or style of the congressional membership has a whole. The remaining answers were scattered among a number of categories.

3.1 Legislative Scheduling

"What surprised me most about the Senate was the openness of its rules that create the freedom we have here. It is still impressive to me, but it is a dual-edged sword." --a Republican Senator

To understand the Center's questions on the legislative schedule, one must recognize the differences between the House and Senate procedures. The rules of the House ensure the will of a majority of members, while the Senate rules are designed to protect the minority, to the point where a single Senator can slow down or even stop a bill from passing. The Center's question on the schedule opened with three proposals that apply to both the House and the Senate. In addition, there were four additional questions asked only of Senators and Senate staff.

General Scheduling Proposals

Because members must divide their official time between their home states and Washington, D.C., Congress routinely adopts a three day work week for those periods when it is in session. Thus, Congress is often in session from Tuesday to Thursday, leaving Monday and Friday as travel days back to the district. But even with jet travel, it is difficult and time consuming for members to shuttle between their home states and Washington.

Some members have suggested shifting from the current three-day work week to a five-day work week, three weeks a month, with a recess period for the fourth week to give members more concentrated time back in their home states. Of the members, 64.6 percent supported such a calendar, 30.1 percent opposed it, and 5.3 percent had no opinion. Strong support for this idea was evident between chambers and parties--77 percent of Senators and 60.9 percent of Representatives either agreed or strongly agreed with the proposal. Between parties, 73.5 percent of Republicans and 57.9 percent of Democrats either agreed or strongly agreed with the calendar.

Some have suggested much of the support for this calendar comes from Western state members. However, when the Center analyzed support for the five-day work week by region there were no significant differences--members nationwide supported the idea. In late 1987, the Senate leadership announced it would try a three week in session/one week in recess schedule on an experimental basis in 1988.

Members did not strongly favor a proposal that would prohibit Monday and Friday votes without seven days' advance notice. Only 48.2 percent of members supported the proposal, with 45.5 percent opposing it and 6.3 percent undecided. Between chambers, a 54.7 percent majority of House members favored the week's notice of a vote, with 34.9 percent of House members saying that they "strongly agreed" with that idea. In the Senate, however, no one "strongly agreed" with the question, only 26.9 percent "somewhat agreed" with it, and 61.4 percent somewhat or strongly disagreed with the notification idea. Between parties, a majority of Republicans--56.3 percent--favored a week's notice on votes, while only 42.2 percent of Democrats did.

That 54.7 percent of House members did support more advance notice on votes was consistent with the biggest complaint Representatives had about the calendar: more certainty in the schedule is needed. Many Representatives said outright that the schedule needed to be controlled, that "more certitude" could be added. "[Members] need to get control of their time," said one Republican. "These scheduling issues are not petty complaints--strong scheduling will improve our contact with constituents to improve our jobs."

A formal legislative agenda has been suggested as a way both to add more certainty to the calendar and to improve the congressional policy making function. In 1983, a report made by the Senate Study Group to the Senate Rules and Administration Committee recommended that Congress adopt such an agenda. The Study Group's proposal was a detailed plan of how such an agenda should work--"...[that] the Congress establish an agenda at the early part of each session and that such an agenda be announced publicly so that the people of the United States may know what the Congress plans to consider during the current Session. This agenda should be followed as closely as possible, but could be changed by a premium vote...The agenda should be prepared and proposed by the leaders of both Houses after consultation with the President...and officials of his Administration."

There was significant support among members for the legislative agenda. The proposal won support from 57.5 percent of members overall, with only 36.3 percent of members opposing it and 6.2 percent having no opinion. Republican support was stronger, with 64.3 percent in favor as opposed to 53.1 percent of Democrats. Between chambers, the House favored the agenda idea with 59.7 percent of the vote, while Senators split, 50 percent agreed with the plan and 42.3 percent opposed it.

Some members had agreed with the plan in spirit but were concerned that it would not work. One Democratic Representative thought the plan was fine in theory, "but towards the end of the year I could see [an obstructionist] legislator using the 'points of order' to grind the House to a halt. That would do more harm than good." Others believed such an agenda would have to recognize the realities of legislative life, providing for an escape clause. "I'm all in favor of better planning here," said a House Democrat. "But last year, my committees had to deal with an exploded Challenger space shuttle and a revolution in the Philippines. No schedule can plan for that, and we shouldn't lock ourselves in to a schedule so tightly it prevents us from acting quickly on the unexpected."

Supporters of the idea believed a legislative agenda could be a strong organizational tool. "There is no pressure to sign off on anything. We can delay issues or bring them up again constantly in the same session," said one House Republican. "We need a 'court of last resort' to force us to make a decision by a certain time and to move on to the next issue." A House Democrat thought the agenda would be useful to bring the leadership and committees together at the beginning of the session "to get us started a little earlier."

In contrast to the members, committee staff were opposed to the legislative agenda plan, while personal staff were ambivalent. Only 47.5 percent of personal staff supported an agenda plan, 47 percent opposed it, and 4.9 percent had no opinion. Overall, 66 percent of committee staff opposed the legislative agenda.

3.2 Senate Floor Procedures

Senators were asked if they would favor rules making it easier to limit debate on matters that have already been considered before during the session. Overall, 46.2 percent of the Senators interviewed said they would strongly agree with such a proposal and 34.6 percent somewhat agreed, for a total of 88 percent of Senators favoring these debate limits. Only 11.5 percent said they opposed such methods.

A filibuster is any legislative tactic used to purposely delay action on a bill or nomination. Frequently, though not always, the easiest way to filibuster a bill is to take advantage of the Senate's tradition of unlimited debate to make a marathon speech. When asked if they would favor rules restricting filibusters on a motion to proceed to consideration of a bill, Senators were strongly in favor of the proposal, with 50 percent strongly agreeing and 26.9 percent saying they somewhat agreed, for a total of 76.9 percent favoring stricter rules. Only 22.5 percent disagreed or strongly agreed.

In the House, amendments to a bill under consideration and debate on the bill must be germane. But in the Senate, requiring a topic to be germane applies only in a few specific cases, such as debate on an appropriations bill. Raising a non-germane amendment to a pending bill is a tactic often used by Senators to bypass routine legislative procedures to bring an issue to the floor. Supporters of non-germane amendments claim it is one way to make sure certain issues are raised and discussed in the Senate. But critics of non-germane amendments argue the tactic can delay proceedings on other important matters. Some have suggested proposals allowing the Senate to require more germaneness during the debate.

Tighter germaneness rules were supported by 61.5 percent of the Senate respondents; 26.9 percent opposed them. On this issue, support among Democrats was a little higher than among Republicans, with 69.2 percent of Democrats and 53.9 percent of Republicans either agreeing or strongly agreeing with tougher germaneness rules. Committee staff, however, overwhelmingly favored stricter rules on germaneness, as exactly 40 percent strongly agreed and another 40 percent somewhat agreed with the question.

A hold is an informal tradition in the Senate that allows any Senator or group of Senators to ask the party leaders to delay a vote on a bill, treaty, or appointment. When asked about curtailing or eliminating holds, 74.1 percent of Senators either agreed or strongly agreed. But while a majority of Senators from both parties agreed with the question, the party differences were somewhat more pronounced. A overwhelming 92.3 percent of Democrats supported restricting or eliminating holds, while only 7.7 percent disagreed. Among Republicans, 57.2 percent supported restricting holds and 42.8 percent opposed them.

3.3 Personal Time of Members

"Though I was well known in my state, I began my congressional career fairly late. I did that because I wanted to wait a few more years until my children were grown, so I could spend more time with them. But I'm not going to con you and say I sacrificed my career for the children. I really did it for me--I had the time of my life watching them grow up." --a Republican Senator

"Excuse me, Congressman, is that a baby basket on your desk?"

"Yes it is. You see, I'm a recent father but my wife has to work, so I keep the kid with me two afternoons a week." -- Exchange between a Center interviewer and a Democratic Representative

Concern over the "quality of life" on Capitol Hill is a relatively recent development, having its roots in the demands of legislative work and the changing family status of members. Although statistics show that the number of days and hours in session has risen only slightly from 1947, many other aspects of congressional life have changed. Changes in transportation technology and the needs of constituents have made it necessary for members to visit their home states almost every week instead of a few times a year. Many of today's members of Congress are parents of young children, while more congressional spouses are seeking employment outside the home. All of these factors make it difficult to balance legislative duties, visits to the district, and family time.

The Center's interviewers found that the question, "How do the demands of being a member of Congress affect your personal time?" stimulated many answers mixing anger and regret. Almost 80 percent of members said legislative work left them little time for family or personal matters, while fewer than 15 percent said their work had little effect on their personal lives. Most were not happy with the notion that being a member of Congress means you have to sacrifice family life.

One House Republican argued that the schedule needed to be arranged so members could have more family time to be "complete" individuals. "Everyone accepts the idea that to be a good Representative you have to get out of Washington to visit the district and find out what people back home are thinking," he said. "Well, if you get the time to raise a family, you also become a more 'complete' member, you will have a greater sympathy and understanding for other constituents' problems." In one case, a Center interviewer saw a graphic example of the conflicts between work and family. A House Democrat had told an interviewer that "Congress certainly doesn't leave you much time for personal matters and I have regrets about this...I almost never get to spend a whole weekend with my family." At that point, the member's appointment secretary walked in to say she was able to schedule a Saturday meeting with an official--which meant the Representative could not return home Friday night to be with his family. The member turned to the interviewer and said, "See what I mean?"

Some of those interviewed spoke about how having little family time affected other members. "It has been hard on me," said a Democratic Senator, "...[but] this is a particular problem up here if you are not ready for it. I know of two divorces now under way [among my colleagues] and I think [the time issue] has been a factor in both." Still other members tied the personal situation to salary problems and the difficulty of maintaining two households. A House Republican said "Most broken marriages I know of involve members who left the family back in the district." This member went on to say he believed the situation would get worse because "younger members with a mortgage back home can't come in and bring a family to a new home in Washington."

Some members were quite candid about their own personal lives. Two Republican Senators thought the system hurt families, but because they were "workaholics," they did not think it had much effect on them personally. "Since this is off the record," said one Senator "let me say that while I continue to publicly say the [Senate schedule] has adversely affected my family life, I strongly suspect I am a compulsive worker. Certainly, the system hasn't had a good effect on my personal life, but I won't blame the system for my own situation. But it is still the system that is at fault in most cases. It is insane right now and it need not be that way." Other Senators were adamant on this point. "The system just plain stinks," said a senior Republican. A Democratic Senator said, "Personal time? I have no personal time--weekdays I'm usually in this office by 5 A.M., and during the heavy legislative periods it is not unusual for me to leave at midnight. With a day like that, you can't schedule any personal time. We have to better organize the schedule to give us more personal time, especially when the session is lighter."

Representatives were not as angry about the situation as their Senate counterparts, but most were concerned about the lack of time. "It is a problem for younger members with families," said one Democrat, "and the leadership is more sensitive to the problem these days. But being more sensitive hasn't improved the situation." A Republican said, "I don't know that this is any different from any other high powered profession. But if you are weak you won't make it and that is why there are so many divorces and so much alcoholism up here. I'm still married and with my family, but I have to work at it."

Among members, 15 percent acknowledged there was a problem, but that "the situation gets better with time." A Democratic Senator said, "as you gain influence, time demands become greater...but the longer you are here, the better you get at saying 'no' to some of these events." A Republican Representative said that first "if you are not careful, you wind up working seven days a week." But as you gain experience, you learn how to better arrange your time--"I now have my D.C. and district offices better coordinate their time, because before they were not working together well, and there were too many demands made... But [if I get a free weekend] I still usually have quite a bit of office material to read before the next vote."

Personal staff also occasionally spoke of this problem. One administrative assistant told a Center interviewer, "I remember how one Representative asked another Representative's son what he wished to be when he grew up. When the boy said a pilot or a fireman, the Congressman asked why he didn't want to be a Congressman like his dad. The boy said you can't be a Congressman and a daddy."

3.4 How Members Spend Their Work Day

Members have many separate duties--as legislators on national policy, as the representatives and ombudsmen of citizens, and as overseers of government operations. How members spend their work day and how they would change it if they could, provides us with some insights into the variety of demands placed on them and how they resolve the conflicts between those demands. To determine how members would most like to use their time, the Center had each member respondent complete a card asking how much time they spend on seven typical activities--attending hearings, meeting with individuals and groups on legislation, watching or participating in the floor debate, studying or discussing legislation with other members or staff, fundraising for campaigns, doing casework for constituents, and working back home in the state and district.

Once the members completed this card, they were asked to complete a second identical card, asking how they would they most *like* to spend their time. By comparing the responses, the Center could determine if members felt they were spending too much time on some activities or not enough on others. The most significant results were that a large number of members would change the way they developed legislation. An equally large number of members would like to reduce the time they spend raising campaign funds.

Among the Center's most significant findings were that about half the members would like to spend more time discussing legislation with their colleagues or with staff, less time discussing legislation with outside interest groups, and less time raising money for political campaigns. In most cases, Senators felt more strongly than Representatives about how they would alter their work day.

For members, 47.7 percent wanted to spend more time discussing or developing legislation with other members or with staff, 48.6 percent would not change the amount of time they now spend on this activity, and 3.8 percent wanted to spend less time discussing legislation with members or staff. Senators were more likely to be dissatisfied, as 61.5 percent said they wanted to devote more time to this activity, compared to 43.5 percent of Representatives.

Yet, members would like to spend less time meeting with Washington representatives of interest groups or other individuals to discuss policy. A little over 50 percent of the members gave this answer, but, again, Senators were far more likely to complain. For Senators, 69.2 percent said they wanted to spend less time with interest groups, while no Senator wanted to spend more time with them. Among Representatives, 47.1 percent saw no need for change, 44.7 percent wanted to spend less time in such meetings and 8.2 percent wanted to spend more.

On campaign finance, 45 percent of members wanted to spend less time raising money, another 45 percent saw no need for change, and 10 percent wanted to spend more time on fundraising. The differences between chambers on this issue was not as large, with 53.8 percent of Senators wanting to spend less time raising money, compared to 42.4 percent of Representatives. But there were significant party differences, with 50 percent of Democrats wanting to spend less time raising money, as opposed to 38.8 percent of Republicans.

Overall, 60.4 percent of the members would not change how much time they spend on floor debate. However, Senators were more split on this issue, with 46.1 percent saying they would make no changes, 38.5 percent saying they want to spend more time on the floor and 15.4 percent wanting to spend less. More than 64 percent of Representatives would make no changes, 28.2 percent would like to spend more time on the floor participating in the debate, and 7.1 percent said they prefer spending less time on floor debate.

On casework, many members indicated they have their staffs do most of it; consequently, 55 percent of members said they would make no change in the amount of time they spend on this activity. But there were strong party differences on this question, with a plurality of Democrats--46.8 percent--saying they would like to do more and 41.9 percent saying they would make no changes. In contrast, 71.4 percent of Republicans would make no changes, while only 16.4 percent said they wanted to spend more time on casework.

The other two categories yielded few surprises. A little over two thirds of members would make no changes in the amount of time they spend in committee. Another 57.4 percent said they would not change the amount of time they spend working in their home states or districts, 27.9 percent wanted to spend some more time back home, and only 14.4 percent said they would like to spend less time there.

3.5 What Should the Leadership Be Doing?

"The problem here isn't leadership but followership. Everyone wants power here and no one wants to be led. But I don't know how you solve this--no voter is going to support a candidate that says 'elect me, I'm a follower.'" --a House Democrat

The Center asked two questions on congressional leadership, "What should your leadership be doing--or be doing better--than they are now?" and "Is there anything you think the leadership is now doing that they should not do?" In general, members and staff indicated support for the leadership, though some House Democrats, referring to the recent election of Jim Wright (D-TX) as Speaker, did say it was "too early to tell." There were very few suggestions in response to the second question, on what the leadership should not be doing.

Most respondents had few critical comments about their leadership, others had specific suggestions or complaints. Often, a respondent would say the leadership was doing fine, then go on to make a particular suggestion. Among members, the two most frequent suggestions, mentioned by 21.9 percent each, were first that the leadership should give more advance notice of the schedule and, second, that the leadership exercise more discipline over members.

Between chambers, more advance notice on votes and legislative activity ranked first among Senators, mentioned by 37 percent of all Senators. Among Representatives, more advance notice on legislative activity placed third overall, mentioned by 17.2 percent of House respondents. That the leadership should exercise more discipline among members ranked first in the House, mentioned by 23 percent of Representatives. In the Senate, 18.5 percent mentioned discipline, it tied for second with three other items.

Regarding more advance notice, members said frequent changes in the schedule lead to resentment of the leadership. A Democratic Representative complained, "What is really frustrating is when the leadership tells you their position is set in stone on Monday and then it is completely turned around on Thursday." One Democratic Senator was very blunt: "[Majority Leader Robert] Byrd doesn't know anything but constant hard work, morning, noon and night--and there is nothing wrong with this except he expects the rest of us to work the same way he does. The problem is, most of us aren't built to work the way he expects. [He] needs to provide us with a definite schedule during heavy periods. When the schedule is lighter, it should be arranged to give us more time for district and personal activities."

"Discipline" meant different things to the members. For most Senators and House Democrats, "discipline" meant enforcing rules and conduct to allow legislative work to proceed in an orderly fashion. But for the 26.5 percent of House Republicans who mentioned this as a problem, discussion of party discipline often reflected a struggle within their ranks. Several younger Republicans believe their party leadership has been too accommodating to the ranking members of committees, especially those who cut deals with the Democratic members on committees. Hence, some Republicans suggested rules to give the party primacy over the committee leadership. "I would like a rule," said one Republican Representative, "that said if a ranking member could not support the Republican Conference's position on a bill over the committee position, that ranking member should step down from a leadership position on a bill."

Another frequent answer was that the leadership should "devote more time to the legislative agenda." Many members who gave this answer thought their leaders could better articulate their party's policy agenda to the public. This was a particular concern among Senate Democrats. One Senator suggested a new Democratic Senate party post, a kind of "designated spokesman" who could effectively present the party point of view to television and the press. A few House Republicans had similar concerns. "We will always be the minority party [in the House]," said one, "unless we can present ourselves as a real alternative to the Democrats."

3.6 How Long Will You Stay?

"I had a notion of how long I wanted to stay in Congress when I got here. But I have learned you can be vital and dynamic in Congress at any age--when I see the contribution Claude Pepper still makes to Congress, well then I think I should be flexible, and as long as I'm healthy and excited by the work, I'd like to stay here." --a House Democrat

Members

The Center asked its final question to get some insight both on how members and staff plan their own Capitol Hill careers and on how they really feel about their work.. One of the more memorable answers came from a House Democrat who began with a rhetorical flourish, then stopped himself by saying, "Boy, that's a load of pure B.S., isn't it? Forget what I just said and let me give you a real answer."

For the most part, members expressed their satisfaction with legislative life. Overall, 86.7 percent of members said they would either like to stay for a total 14 years or more, or indefinitely. Among members, 56.6 percent gave general answers like "I want to remain indefinitely" (23.9 percent), "I haven't decided at this time" (15 percent), "I w[illegible]o remain as long as my health is good" (10.6 percent), or "I want to remain as long as I am effective" (7 percent).

Another 43.3 percent of members put some kind of time limit on the number of years they wished to serve. Wanting to serve 20 years or more was the leading answer, given by 19.6 percent of members; 13.2 percent said they would like to remain a total of 8 to 12 years; and another 10.6 percent wanted to remain for 14 to 18 years. Between chambers, 23 percent of the Representatives said they would like to stay on the Hill for 20 or more years, while 23 percent of the Senators said they would like stay for 14 to 18 years.

A few members had some very specific career plans, including the House Democrat who said, "There are some things I would like to get done, so if I can't get to be chairman of a major subcommittee in the next eight years, I'd like to seek a cabinet post." A more typical answer came from a House Democrat who said, "We can't set arbitrary time limits for members. In my case...I do want someone to kick me out as soon as I reach 65. Because there *is* life after Congress."

When asked to elaborate on their answers, most members gave general responses such as "congressional service is highly rewarding" (22.3 percent) or that legislative life is a "good way of life" (18.8 percent). The third most frequent answer was that some members needed to accumulate additional seniority (15.2 percent).

A handful of members did say they planned on leaving soon. Three Republican Representatives said they planned on leaving soon because they were frustrated by the prospect of legislative life as members of the minority party. "If I could, I'd love to retire at 65 years old as the Speaker," said one of the Republicans. "But that isn't likely to happen. I may consider running for a Senate seat, since Republicans there can be a more effective voice." Another three Republicans and one Democratic Representative said they would probably leave due to high level of frustration with life in Congress--one saying he would like to return to state politics.

Staff

While a only a handful of members said they would like to leave in the near future, the survey found that a significant number of personal staff were planning to leave soon. For personal staff, 31.1 percent said they would like to leave their jobs soon. Another 13.1 percent--mostly Democratic staff--said they had made no specific plans and would decide over time. Significantly, 41.6 percent of Republican personal staff said they would like to leave the Hill soon, as compared with 24.3 percent of Democrats.

For the senior committee staff, 15.1 percent said they wanted to stay indefinitely, 26.4 percent said they had no clear idea but would decide with time when they should leave, and another 20.8 percent said they wanted to leave soon. The remainder gave answers indicating a specific time frame. Senate staffers were three times more likely to say they wanted to leave than their House counterparts, with 32 percent of Senate staff saying they would leave their jobs soon, as opposed to 10.7 percent of House staffers.

However, 31.7 percent of committee staffers mentioned the rewards of service on Capitol Hill. "I like working on the Hill--it's satisfying work" summed up the attitude of a number of respondents. For others, work on Capitol Hill has enormous appeal. A Senate Democrat who noncommittally answered he would like to work on the Hill indefinitely was asked to explain why. He said, "Other than I like the work, I just don't know why. I really never expected to be here as long as I have been already. I suppose I will work here forever--though now that I said *that*, I suppose I will be fired this afternoon." He was not fired that afternoon, and is still working in the Senate.

6

The Committee System

"I know it's been said many times, but it is still true that the longer you stay around here, the better seniority looks." --a House Democrat

Prior to the Civil War, there were few standing congressional committees. Shortly after the war, the growth in the number of standing committees was dramatic, but both parties were able to control this committee growth by the turn of the century. The power of standing committees and their chairmen rose in the next few decades as party leaders either left or were forced to give up important committee assignments and as the seniority system became more dominant.

By the the 1940s, many members sought to change the committee system. While these reform-minded members were not strong enough to change the seniority system, they did succeed in passing the Legislative Reform Act of 1946, which reduced the number of committees and reorganized the jurisdictions of the remaining ones. Although this reorganization may have consolidated operations, it also consolidated the power of the committee chairmen. In the 1960s, the fight for committee reform went in two directions. Many members sought to stem the growth of committees and to reorganize jurisdictions. But reformers, particularly those in the House, also sought to reduce the role of the seniority system through their party caucuses.

In the early 1970s, both parties in the House modified the seniority system by giving party leaders and the rank-and-file members more control over the committee selection process and in electing committee chairmen. Both Senate parties approved similar selection rules in the mid-1970s. In 1977, Senators also voted for an overhaul of their whole committee system through the work of the Stevenson Committee, named for its chairman, Adlai Stevenson (D-IL). The Stevenson Committee succeeded in reducing the number of committee assignments any one Senator could have, in cutting the number of committees and subcommittees in the Senate from 205 to 130, and in consolidating some jurisdictions. But by 1984 there had been a slight increase in the number of committees and committee assignments, and a second committee, chaired by Senator Dan Quayle (R-IN), attempted to bring the numbers back down. The Quayle Committee, however, met with mixed success, as the number of Senate committee assignments was reduced from 231 to 214--short of the Committee's 204 target.

Committee reform in the House has been far more incremental. In the mid-1970s, a major committee reform effort led by Representative Richard Bolling (D-MO) was only partially successful, as were two later committees, headed by David Obey (D-WI) and Jerry Patterson (D-CA). But these incremental changes did succeed in rewriting some jurisdictions and in reducing the total number of House committees and subcommittees from 204 in 1975 to 172 in 1984.

6.1 Oversight

Legislative oversight covers four areas: first, fiscal oversight through budgetary review; second, the power to create or reorganize executive agencies; third, congressional investigative authority to follow up on legislation to see that "the intent of Congress" is being fulfilled; and, fourth, the power to confirm or impeach executive officials and judges.

But while these powers have existed since the beginning of Congress, the move to formalize and improve congressional oversight capability came in this century. The Budget and Accounting Act of 1921 created the General Accounting Office (GAO) as an agency independent of the executive branch to assist Congress in reviewing programs. But Congress itself did not make any effort to formalize its oversight functions until the Legislative Reorganization Act of 1946 which not only restructured committee jurisdictions along more rational lines but also requested committees to exercise "continuous watchfulness" over any agency or program in their jurisdiction.

Renewed interest in legislative oversight occurred in the mid-1970s. In part, this revived interest was an outgrowth of the congressional reform movement and the expanding government programs of the 1960s and early 1970s. Reformers believed more effective oversight and review of programs and agencies would lead to better budgeting and governmental management. During that time, committees and support agencies undertook oversight training programs and prepared "how to" manuals on oversight for committee and personal staff.

By the late 1970s and through the Reagan administration of the 1980s, the federal government had shifted from an era of expanding programs and budgets to one of declining budget growth and program cuts. The Reagan era also featured a number of conflicts between the administration and the legislature over the intent and implementation of policies approved by the Congress. Most would argue that this situation would favor increased legislative oversight to review programs, find savings, and improve efficiency. But statistics show the overall number of hearings in Congress is declining, and fewer hearings overall would suggest the number of oversight hearings is declining as well.

When Center interviewers suggested to respondents that the number of hearings in Congress was decreasing and asked if this was happening to oversight hearings as well, only 23.7 percent of members said that there was no decrease in congressional oversight. The leading answer, among 25.4 percent of members, was that there was not enough time to do oversight in the session. Some members specifically cited the budget process as the principal culprit in stealing time from oversight duties. "By the time [my committees] have finished with all our budget work," said a Senate Republican, "there is no time left to do some real oversight."

Another 12.3 percent of members said there was no real incentive for many members to do oversight. "Effective oversight is, of necessity, time consuming and tedious," said a Republican Senator. "To do it right, you have to hear an endless stream of witnesses, review numerous records, and at the end of it you may find an agency was doing everything right. It is much more fun to create a new program." A House Democrat thought one way to improve the oversight process was to pass a program "sunset" law to "force us to review the effectiveness of laws and programs that have existed for some time...[it] is not a substitute for good oversight, but since we are not doing enough oversight, we at least need such a law."

The next largest category of member responses was the 9.6 percent who tied declining oversight to political factors. This category had a decidedly partisan tilt, as the Senate respondents in this category were Democrats saying Republican Senators were reluctant to criticize the administration, while a handful of House Republicans thought Democrats did not want to tackle some favored programs.

This first question on oversight asked respondents to assess the situation throughout Congress. When Center interviewers followed up by asking respondents to judge the quality of oversight on their own committees, member dissatisfaction with the current state of oversight was apparent, especially in the Senate. Among members, 46.8 percent said their committees were not doing enough oversight, 35.8 said they were doing enough, and 10.1 percent said some of their committees did adequate oversight while others did not. However, 54.2 percent of Senators said their committees were not doing enough oversight, and another 16.6 percent said the level of oversight varied with the committee. Only 20.8 percent of the Senators surveyed believed their committees were doing enough oversight.

6.2 Reactions to Specific Committee Reforms

Reducing Subcommittees

The Center also asked a series of questions on specific committee reforms. When asked if they would favor reducing the number of subcommittees, 65.8 percent of members said yes, 27.2 percent said no and 7 percent said they were not sure. Among Representatives, 67.8 percent favored reducing subcommittees, and among Senators 59.3 percent supported such reductions. But between parties, there are significant differences. Over 85 percent of Republicans favored reductions, while only 12.3 percent opposed them. But only a slight majority of Democrats, 50.8 percent, favored reductions, and 38.5 percent opposed them.

Among personal staff 59 percent favored reducing subcommittees while 39.3 percent opposed cuts. However, committee staff were much stronger in their opposition to subcommittees. Almost 70 percent of committee staff favored reducing subcommittees, 20.8 percent opposed reductions, and 9.4 percent were not sure. But because the committee respondents to the Center's survey all worked for the full committee, this result is hardly surprising. Competition between committee and subcommittee staff has long been a fact of life on Capitol Hill.

Requiring More Committee Assignment Limits

Requiring parties to set more stringent limits on the total number of committee and subcommittee assignments any member can have proved to be more controversial than the question on reducing subcommittees. Even so, 54.9 percent of members did favor more limits, while 42.5 percent opposed them. But there were some significant party and chamber differences on this question. In the last few years, Senators and House Republicans have struggled with their rules regarding committee assignments, so it is not surprising that Senators and Republicans strongly favor more stringent limits. Over 70 percent of Senators and 76 percent of all Republicans supported the tighter assignment limits. In contrast, a 54.8 percent majority of House Democrats opposed more assignment limits.

Requiring More Joint Committee Hearings

The Center's next question was whether or not members would support more joint hearings conducted by separate committees. Within each chamber, the jurisdictions and the interests of different committees often overlap on a bill. Accordingly, many believe if more committees would hold joint hearings on bills rather than a number of different hearings among separate committees, Congress could cut down on duplicated effort. Over 80 percent of members, regardless of chamber or party, supported the idea. An equally strong level of support was seen among personal staff, with over 82 percent of respondents supporting such hearings. Committee staff, however, opposed such hearings by a 50.9 percent to 49.1 percent split--not one committee staffer had "no opinion." However, on this point there was a split between chambers as 53.6 percent of House staff favored having more joint hearings, while 56 percent of Senate staff opposed them.

For those members who said they supported joint hearings, Center interviewers followed up by asking if they also supported having more bicameral joint committee hearings. This proposal was supported by a narrow 50.5 percent majority of the respondents. Senators supported bicameral hearings by 55.3 percent to 38.3 percent, while House members opposed them by a 51.7 percent to 46.7 percent margin. But there were party differences on this question; 60 percent of Republicans favored bicameral joint hearings, while 48.8 percent of Democrats opposed the idea and 47.6 percent favored it. One House Republican expressed the feelings of many opponents to joint hearings by saying, "There is a reason the founders created two chambers, not one."

Committee staff were very much against bicameral joint hearings, with a little over 80 percent of committee staff opposed to them, and no significant differences in opposition between chambers or parties. The few committee staffers who supported such hearings claimed they could save time and effort by building a better consensus for legislation. But by and large, most committee staff agreed with the sentiment of one Democratic Senate staff director, "[Bicameral joint hearings] take too much time, effort and resources for so little in return."

Requiring Subcommittee Staff Cuts

When asked if subcommittee staff should be reduced, a 45.5 percent plurality of members supported reductions, 40.2 percent opposed them and 14.3 percent had no opinion. However, there were significant party differences on this issue. Staff reductions were supported by 67.3 percent of Republicans, with only 18.4 percent opposed and 14.3 percent not sure. Democrats, on the other hand, opposed restrictions by a 57.1 percent to 28.6 percent margin, also with 14.3 percent unsure.

6.3 House Democrats and the Seniority System in Selecting Chairmen

Because of continuing controversies in their party's committee chairman selection process, House Democrats were asked a question on the extent to which seniority should be used as a guide in choosing chairmen. The Center asked House Democrats if their Caucus Steering and Policy Committee should be required to nominate candidates for committee chairman in order of seniority. Currently, Democratic committee chairman candidates are nominated by the Caucus Steering and Policy Committee. If a nominee is rejected by the full Caucus, members can offer their own chairman nominees who will compete against each other. The Center asked House Democrats if they would favor amending the rules so that if a Steering and Policy Committee nominee was rejected, the most senior committee member would be the next chairman nominee and would be either affirmed or rejected by a majority vote of the full Caucus; should that nominee be rejected, the Caucus would go down the committee seniority list until a new chairman was elected.

The results on this proposal were evenly split, with 49 percent favoring a proposal requiring greater reliance on seniority in selecting chairmen, 47.1 percent favoring no change in the current rules, and 3.9 percent having no opinion. Democrats favoring the proposition believed that a stricter adherence to seniority rank was fair in making committee selections, as long as the caucus continued to have the right of refusal. Many Democrats supported stricter seniority selection rules as a way of adding coherence and stability to the process. "[Such a rule] would cut down on many of the controversies we now have," said one younger Democratic member.

Many House Democrats who favored a greater reliance on seniority cited the 1987 fight between Representatives Les Aspin (D-WI) and Marvin Leath (D-TX) over who would be chairman of the House Armed Services Committee. One Democrat who supported using seniority in selecting chairmen disputed the claim that this controversy had anything to do with the seniority system. "[The supporters of Marvin Leath] claimed they were supporting the cause of seniority, but they were being opportunists--Leath had less seniority than Aspin and [his supporters] just used the seniority issue to pick up a few votes. The House has to decide if seniority has a value, and if it does, it should be used fully and not in pieces."

Those who opposed requiring the Steering and Policy Committee to nominate on the basis of seniority thought such a rule was unnecessary because seniority is often adhered to in selecting chairman nominees. Many opponents to using seniority as a requirement for nomination also believed the rank and file should continue to have the option, as the current rules allow, of nominating candidates for committee chairman if the Steering and Policy Committee's nominee is rejected. "[Committee chairman nominees are] largely decided through seniority already," said one Democrat, "and that's fine, but we do need to be sure the members and the Caucus act as a kind of check on the process."

6.6 Office Informational Support For Staff

Information management in congressional offices is critical, but there are significant differences in the information needs of personal and committee staffs. Personal staffs have to advise their members on literally thousands of bills and amendments that will not be considered before their committees. Though individual members can be advised by their parties, their constituents, or interest groups, they still need additional information to make their decisions. Thus, personal staff will try to quickly gather information on these topics as it is needed. Members are also advised by their committee staffs, which requires committee staff to seek out accurate and reliable sources of information both on and off Capitol Hill.

The changing nature and needs of Congress have encouraged members to create many informational organizations known as Legislative Support Groups (LSGs) to provide needed information and analysis. The largest and oldest of these is the Congressional Research Service (CRS) of the Library of Congress. Although it has existed since the early part of the century, the Congressional Research Service as it is today was formed through the Legislative Reorganization Act of 1970. CRS is usually the first organization staffers turn to for help. Other LSGs include the General Accounting Office (GAO), created by the Budget and Accounting Act of 1921 as an agency "independent of the executive departments" to aid legislators in seeing that the executive branch properly and effectively carries out programs enacted by Congress. The Office of Technology Assessment (OTA) was created in 1972 to assist members and staff in evaluating the legal and social impact of many new technologies.

The survey showed strong staff satisfaction with the performance of these support organizations. A little over 90 percent of personal staff and 63 percent of committee staff were satisfied with the information provided by LSGs on a bill's national impact. As one Republican House staffer put it, "as far as the minority is concerned, God created the CRS." When personal staff were asked if they were satisfied with the information provided by LSGs on a bill's state and local impact, 63 percent said they were, though many qualified that statement by saying better information on these topics is usually available back in their home state.

Though general satisfaction with congressional support agencies was high, most staff respondents saw room for improvement. While a third of committee staff and a little more than a quarter of personal staff had no further suggestions to make regarding LSGs, there were many others who recommended improvements. One improvement favored by many staffers was in the congressional computer system, in terms of both data retrieval and quality of the data on the system. Among committee staff, 19.6 percent suggested improved staff resources--though most respondents wanted this improved staff for themselves. "Don't give more staff to [the support groups]," said a Senate Democratic committee staff director, "give it to me. Committees need more resources, [the LSGs] have enough."

But on the whole, staff was satisfied with the performance of LSG's. If anything, some personal staff were concerned that so much information is available, that an office could be overloaded with material. One Democratic aide to a Representative said, "If you are not careful, you can get caught up with collecting and reading this information and not be able to get any other work done."

Because of the specialized nature and needs of committees, staffers frequently need to seek resources off Capitol Hill. Of committee staff respondents, 87 percent said they seek information from "off the Hill" sources. The few that did not seek such information belonged to highly specialized committees that deal with congressional procedures or operations, such as House Rules.

When asked which non-congressional sources were most used, almost 40 percent first mentioned interest group lobbyists or industry representatives. As one Democratic Senate staff director put it "our first responsibility is to hear from anybody that will be affected by the legislation." The second most frequently mentioned sources were the administration and executive agencies, though Republicans mentioned this group slightly more often than Democrats. "The administration and the agencies are good for all the technical background information you need on issues," said one Republican House staff director. "They have a lot of experts you can contact at a moment's notice."

6.7 Staff Use of Caucuses as an Information Resource

The Center asked personal staff about their use of one of the fastest-growing resources on Capitol Hill, caucuses or Legislative Service Organizations (LSOs). Party caucuses like the Democratic Caucus and the Republican Conference have existed for many years. But beyond these party organizations, many members have traditionally come together or "caucused" over specific interests. In the 1950s a small group of House Democratic members, frustrated over the operations of the Democratic Caucus, formed their own party-related caucus, known as the Democratic Study Group (DSG).

After the DSG, several other such caucuses were created--most opened their doors in the 1970s and most were created by House members. There is a variety of LSOs, ranging from party groups (for example, the Democratic DSG and the Republican Conservative Opportunity Society), bipartisan groups addressing a single issue (the Environmental and Energy Study Conference and, on international trade, the Competitiveness Caucus), constituency caucuses (the Black Caucus and the Rural Caucus), and regional organizations (the Northeast-Midwest Coalition and the Sunbelt Caucus).

Congressional observers agree that these new caucus groups have given many members more opportunities to discuss issues and some members new leadership opportunities. But beyond opportunities for members to discuss and debate issues, many of these organizations provide legislative information. Congressional scholars have demonstrated that these caucus organizations have changed the flow of legislative information in the Congress. For example, in considering a specific bill, some staff might rely just as much on the DSG opinion as they on would the party leadership's position. Or personal staff might seek information on upcoming trade legislation from the Northeast-Midwest Coalition as well as the House Ways and Means Committee.

The survey indicated that caucus information is used. A total of 78.7 percent of personal staff said they use caucus information frequently or occasionally used, with only 21.3 percent saying they never or rarely use such information. Among the almost 80 percent who said they use caucus information, 20.4 percent said they use this information frequently, 42.9 percent said their use varies and usually depends on a particular issue, 30.6 percent said they use LSO information infrequently, and 6.1 percent either did not know or had no opinion.

When asked about the quality of caucus information, one organization, the Environmental and Energy Study Conference, was singled out for so much praise it required a separate category of its own. Other frequent comments were that these groups were very responsive, the quality of the information was good, or the interest specialization of LSOs was helpful and, rounding off the list, many respondents complimented a particular group or organization for its work.

On the negative side, the two most frequent criticisms were that the LSOs are politically motivated or that they focus too much on a single issue. These responses indicate that specialization is a virtue to many staffers and an annoyance to many others. A handful of other criticisms were mentioned with equal frequency--that caucus staffs were poor, that caucuses' responsiveness to requests is inadequate, or their information is not useful.

6.8 Personal Staff on Committee Scheduling Conflicts

The Center asked personal staff if their members often have scheduling conflicts among their committees. Since personal staff must keep track of their member's work day, they have a clear idea of how members must allocate their time.

Because there are fewer Senators who can share the work, it is not surprising Senate staff reported far more scheduling conflicts than did their House counterparts. Over 90 percent of Senate staff said committee scheduling conflicts were frequent. In contrast, less than a third of House staff said these conflicts were frequent, a third said conflicts occured occasionally, and a little over 40 percent said scheduling conflicts almost never occur.

When staff were asked how the member decided which committee meeting to attend in the event of a conflict, the leading answer among chambers and parties was that the committee that was considering the most important or most interesting issue was usually the first choice. However, House Democrats and all Senate staff reported that equally important factor is when their member is chairman or ranking member of the committee or subcommittee holding the hearing.

7

Technical Notes

This survey was designed to be a bicameral survey of both members and staff. To accomplish this, the Center had to design a survey of issues and topics that encompassed the concerns of several groups of respondents. The Center also wanted to make its survey flexible enough to have questions on a few topics unique to a particular chamber or to staff. The interviews were completely confidential, to allow members and staff to express their unvarnished thoughts and opinions on Congress.

The final member sample closely paralleled the partisan make-up of the House and the Senate. The 87 Representatives interviewed included 51 Democrats and 36 Republicans, and reflected the party distribution in the 100th Congress--59 percent Democratic and 41 percent Republican. The 14 Senate Democrats and 13 Senate Republicans represent a 52 percent to 48 percent distribution, as compared to the 54 percent to 46 percent party ratio in the Senate.

To ensure a representative sample, the Center used several variables in its selection process. In the House, members were selected along party and regional lines and five categories of seniority. Because of the smaller size of the Senate.the longer terms of service and the balanced regional distribution (i.e., two members from each state) selecting the Senate sample was much simpler, requiring only a party breakdown and three seniority categories. The personal staff sample of 62 House and Senate staffers was selected using the same criteria. Because of the limited size of the committee staff sample, the selection process necessitated interviewing a senior committee person from each party on most of the major standing House and Senate committees, for a total of 53.

In designing the questionnaire, the Center contacted and interviewed several Congressional staff, former and current members of Congress and academics to isolate the issue areas of greatest concern on Capitol Hill. Once these issue areas had been isolated and researched, the Center, with advice from several social scientists involved in previous legislative surveys, designed its questionnaire form.

Designing the questionnaire presented several challenges. To interview such a highly specialized, elite group, a certain degree of openness was needed. At the same time, a measure of control was needed to ensure that a certain level of information was obtained on several topics. This task was made more difficult because members in particular have so little time to spend on interviews, so that the Center tried to design the questionnaire to cover all the information in a half hour to forty minutes. The final questionnaire used a combination of open-ended and closed-ended questions. The open-ended questions were designed to give respondents an opportunity to discuss their experiences and opinions. The closed-ended questions enabled all respondents to cover a number of diverse topics quickly. These closed-ended questions included a series of card questions on specific reform areas to allow the Center to gauge support for, or opposition to, a number of reform proposals that will be or may be considered by Congress in the near future.

The member questionnaire had nine principal topics: the budget process, the committee system, press coverage of Congress, personal time management, legislative procedures, the party leadership, the role of campaign finance and salary and ethics issues. Questions on personal time management were excluded from the staff questionnaire and replaced with questions on information management in personal and committee offices.

After pretesting the survey in November 1986, the Center made final revisions to enable the Center's interviewers to begin in January. The interviewing process began that January and was completed by May. Though the response rate among members was good, time constraints in certain cases and an office policy of "no surveys" in others required the Center to substitute some names in its original member sample. The Center had expected this to happen, however, and drew from a list of substitutes to ensure the sample represented an accurate cross section of members of Congress.

In selecting the personal staff sample, the Center tried to select staff of members who did not participate in the member survey. The Center adhered to that goal except for a handful of cases in the House. Respondents reactions to the interview varied with each individual case, though most were delighted to be given an opportunity to talk freely about their work, about Congress and about what they would like to see Congress doing.

Though most interviews took between 30 to 45 minutes on average, many members and staff interviews took far longer. One Senator told an interviewer they might not have a half hour to complete the survey and but then took 90 minutes. Other members and staffers took an hour by scheduling interviewers to come back between other appointments, or, in two cases, floor votes. By the end of the interview process, many respondents asked the interviewers the same question: "What is everyone else saying?"

Any organization or individual interested in more information on the Center's survey data should contact the Center at 1320 Ninteenth Street N.W., Washington, D.C. 20036, (202) 857-0044.

A Special Note On Gender:

The Center's sample did allow for race and gender among members and staff. But women members presented a special problem in writing this report. Because there are only 25 women members overall and only a small percentage of women staff, it would be possible for an astute Capitol Hill observer to guess the source of some of the member quotes. Thus, to protect confidentiality, the feminine gender is not used when a respondent is quoted. All other gender-specific references have been kept to a minimum.

MEMBERSHIP ON SENATE COMMITTEES

SENATORS	AGRIC	APPROP	ARMED SVC	BANKING	COMMERCE	ENERGY	ENVIRONMT	FINANCE	FOR REL	GOV AFF	JUDICIARY	LABOR & HR	BUDGET	RULES	INTELL	AGING	SMALL BUS	JT ECON	VETERANS	IND AFF	ETHICS	JT TAX
Adams					x				x			x		x								
Armstrong				x				x					x									
Baucus							x	x									x					
Bentsen					x			x							x			x				x
Biden									x		x											
Bingaman			x			x				x								x				
Bond	x			x													x					
Boren	x							x							x		x					
Boschwitz	x								x				x				x					
Bradley						x		x							x	x						
Breaux	x				x		x									x						
Bumpers		x				x											x					
Burdick		x					x									x				x		
Byrd		x									x			x								
Chafee				x			x	x								x						
Chiles		x								x			x			x						
Cochran	x	x										x										
Cohen			x							x					x	x						
Conrad	x					x							x									
Cranston				x					x						x				x			
D'Amato		x		x													x	x				
Danforth					x			x					x									
Daschle	x							x												x		
DeConcini		x									x			x	x				x	x		
Dixon			x	x													x					
Dodd				x					x			x	x	x								
Dole	x							x						x								x
Domenici		x				x							x			x						
Durenberger							x	x								x						
Evans						x			x											x		
Exon			x		x								x									
Ford					x	x								x								
Fowler	x					x							x									

MEMBERSHIP ON SENATE COMMITTEES

SENATORS	AGRIC	APPROP	ARMED SVC	BANKING	COMMERCE	ENERGY	ENVIRONMT	FINANCE	FOR REL	GOV AFF	JUDICIARY	LABOR & HR	BUDGET	RULES	INTELL	AGING	SMALL BUS	JT ECON	VETERANS	IND AFF	ETHICS	JT TAX
Garn		x		x										x								
Glenn			x							x						x						
Gore			x		x									x								
Graham				x			x												x			
Gramm			x	x																		
Grassley		x									x		x			x						
Harkin	x	x										x					x					
Hatch											x	x			x							
Hatfield		x				x								x								
Hecht				x		x									x							
Heflin	x										x										x	
Heinz				x				x		x						x						
Helms	x								x					x							x	
Hollings		x			x								x		x							
Humphrey			x								x	x										
Inouye		x			x									x						x		
Johnston		x				x							x			x						
Karnes	x			x													x					
Kassebaum					x				x				x								x	
Kasten		x			x								x				x					
Kennedy			x								x	x						x				
Kerry					x				x								x					
Lautenberg		x					x						x									
Leahy	x	x									x											
Levin			x							x							x					
Lugar	x								x													
Matsunaga								x				x							x			x
McCain			x		x															x		
McClure		x				x								x								
McConnell	x								x													
Melcher	x					x										x		x		x		
Metzenbaum						x					x	x			x							
Mikulski		x					x					x					x					
Mitchell							x	x		x									x			

MEMBERSHIP ON SENATE COMMITTEES

SENATORS	AGRIC	APPROP	ARMED SVC	BANKING	COMMERCE	ENERGY	ENVIRONMT	FINANCE	FOR REL	GOV AFF	JUDICIARY	LABOR & HR	BUDGET	RULES	INTELL	AGING	SMALL BUS	JT ECON	VETERANS	IND AFF	ETHICS	JT TAX
Moynihan							x	x	x					x								x
Murkowski						x			x						x				x	x		
Nickles		x				x							x									
Nunn			x							x					x		x					
Packwood					x			x														x
Pell									x			x		x								
Pressler					x		x		x							x	x					
Proxmire		x		x														x				
Pryor	x							x		x						x					x	
Quayle			x									x	x									
Reid		x					x									x						
Riegle				x	x			x					x									
Rockefeller					x			x											x			
Roth								x		x					x			x				
Rudman		x								x			x				x				x	
Sanford				x					x				x								x	
Sarbanes				x					x									x				
Sasser		x			x					x			x				x					
Shelby			x	x												x						
Simon									x		x	x	x									
Simpson							x				x					x			x			
Specter		x									x				x				x			
Stafford							x					x							x			
Stennis		x	x																			
Stevens		x			x					x				x								
Symms			x				x							x				x				
Thurmond			x								x	x							x			
Trible					x				x	x												
Wallop						x		x									x					
Warner			x				x							x	x							
Weicker		x				x						x					x					
Wilson	x		x		x											x		x				
Wirth			x	x		x							x									

Questionnaire on the Operation of the Senate

Responses
from
Senate Committee Chairmen
and
Ranking Minority Members

Senator Patrick J. Leahy
Chairman
Committee on Agriculture, Nutrition, and Forestry

RESPONSE
SENATE OPERATIONS QUESTIONS

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist what are they and what difficulties or confusion has occurred as a result?

THE AGRICULTURE COMMITTEE HAS ONE OF THE BROADEST JURISDICTIONS IN THE SENATE COVERING A WIDE RANGE OF ISSUES FROM FOOD STAMPS AND CHILD NUTRITION TO FARM CREDIT, FOOD SAFETY, AGRICULTURAL TRADE, FUTURE MARKETS, PESTICIDE REGULATION, FARM COMMODITY PROGRAMS, AND FOREIGN FOOD AID. THIS HAS CAUSED SOME OVERLAP WITH VIRTUALLY ALL OTHER COMMITTEES, BUT FOR THE MOST PART HISTORICAL PRECEDENT AND SENATE RULES HAVE OUTLINED THE AGRICULTURE COMMITTEE'S JURISDICTION WELL ENOUGH TO LIMIT ANY SIGNIFICANT CONFUSION. IN AREAS WHERE OVERLAP HAVE OCCURRED, REFERRALS HAVE GENERALLY BEEN WORKED OUT AMONG COMMITTEE CHAIRMAN TO AVOID CONFRONTATION OR DIFFICULTIES.

2. What problems have been encountered in obtaining a quorUm for a committee meeting? Is the size of the committee the primary problem in obtaining a quorUm?

THE AGRICULTURE COMMITTEE HAS NOT HAD SERIOUS PROBLEMS IN ACHIEVING A QUORUM FOR ITS BUSINESS MEETINGS THIS PAST YEAR EVEN THOUGH THE SIZE OF THE COMMITTEE IS AS LARGE AS EVER. COMMITTEE SIZE IS LESS IMPORTANT THAN SETTING A TONE FOR COMMITTEE MEETINGS THAT MINIMIZES UNNECESSARY DEBATE AND DELAY. IF COMMITTEE MEMBERS ARE CONVINCED THAT COMMITTEE BUSINESS WILL BE CONDUCTED IN AN ORDERLY FASHION, E.G. STARTING ON TIME AND FINISHING RELATIVELY QUICKLY, THEN OBTAINING A QUORUM IS NOT DIFFICULT.

3. How many committees do you believe a Senator could serve on effectively?

CLEARLY, THAT DEPENDS ON EACH SENATOR. IN THE PAST, I SERVED ON FOUR COMMITTEES, AND WHILE THAT DID POSE SIGNIFICANT SCHEDULING PRESSURE, I FELT THAT I COULD HANDLE THE LOAD. I DO BELIEVE THAT THE TIME REQUIREMENTS OF A CHAIRMANSHIP SHOULD BE TAKEN INTO ACCOUNT IN TERMS OF OTHER SUBCOMMITTEE LEADERSHIP ROLES.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

I WOULD NOT BE OPPOSED TO A BIENNIAL BUDGET FOR COMMITTEES IF IT TOOK INTO ACCOUNT THE DIFFERENCES IN WORKLOAD BETWEEN YEARS IN A COMMITTEE. FOR INSTANCE THE AGRICULTURE COMMITTEE MAY SPEND SIGNIFICANTLY MORE IN YEARS DURING WHICH A MAJOR FARM BILL IS CONSIDERED DUE TO EXTENSIVE HEARINGS AND MARKUPS, ETC. HOWEVER, A MORE SIGNIFICANT PROBLEM EXISTS IN THE DISPARITY AMONG COMMITTEE SPENDING LEVELS. THE LEVEL OF LEGISLATIVE ACTIVITY AND JURISDICTION SEEM TO HAVE LITTLE IMPACT ON THE LEVEL OF SPENDING ON INDIVIDUAL COMMITTEES. THE AGRICULTURE COMMITTEE CONTINUES TO SUFFER FROM A LACK OF ADEQUATE STAFF TO COVER THE WIDE RANGE OF LEGISLATION UNDER THE JURISDICTION OF THIS COMMITTEE. A REVIEW OF COMMITTEE FUNDING, STAFF SIZE, AND OVERALL WORKLOAD IS IN ORDER.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

MUCH CAN BE DONE WITHIN ANY GIVEN COMMITTEE. PREVENTING COMMITTEE MEETINGS FROM DRAGGING ON, STARTING PROMPTLY, GIVING PROPER ADVANCE NOTICE WOULD GO A LONG WAY IN AVOIDING SCHEDULING PROBLEMS AMONG COMMITTEES. IN GENERAL, THE AGRICULTURE COMMITTEE HAS A SCHEDULE OF WEDNESDAY BUSINESS MEETINGS FOR MARK-UPS AND MAJOR HEARINGS. WE HAVE NOT HAD A GREAT PROBLEM WITH EITHER ATTENDANCE OR SCHEDULING PROBLEMS FOLLOWING THIS PATTERN.

6. What action is needed to ensure consistency in referrals?

WE HAVE NOT HAD A MAJOR PROBLEM WITH BILL REFERRAL DISPUTES. I DO FEEL THAT THERE BE SOME FLEXIBILITY IN DECIDING BILL REFERRALS, BUT AGAIN, THIS HAD NOT BEEN A PROBLEM WITH THE COMMITTEE.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

LIKE MANY OTHERS, I WOULD PREFER THAT THE SENATE DO ITS BUSINESS IN A TIMELY WAY. WE MUST WORK OUT A SYSTEM THAT ALLOWS US TIME WITH OUR FAMILIES, TO THINK, AND TO PLAN. BED CHECK VOTES, ENDLESS QUORUM CALLS ON THE FLOOR, LACK OF URGENCY IN MAKING USE OF TIME ON THE FLOOR ARE ALL TAKING A TOLL.

IN GENERAL, I BELIEVE THAT THE CONGRESS SPENDS TOO MUCH TIME IN ADMINISTRATIVE DETAIL IN DEALING WITH FEDERAL POLICY, AND TOO LITTLE TIME WITH SETTING MAJOR POLICY DIRECTION. THE

AGRICULTURE COMMITTEE, IN THE PAST, WOULD SPEND DAYS, EVEN WEEKS, ON MINOR CHANGES TO THE FOOD STAMP PROGRAM, REALLY ADMINISTRATIVE MICRO-MANAGEMENT, WHICH LEFT US LITTLE TIME FOR THE LARGER SOCIAL WELFARE QUESTIONS EFFECTING THE FOOD STAMP PROGRAM. THE TIME PRESSURES SHOULD FORCE US TO LOOK FOR ADMINISTRATIVE, RATHER THAN LEGISLATIVE SOLUTIONS TO MANY OF THESE FEDERAL MANAGEMENT PROBLEMS.

WE MIGHT LOOK AGAIN AT THE TASK FORCE STRUCTURE, TO FOCUS OUR ENERGY ON SPECIFIC QUESTIONS THAT GO ACROSS COMMITTEE LINES, AS IN THE CASE OF WELFARE LEGISLATION. WE ALSO NEED TO READDRESS THE ROLES OF THE BUDGET COMMITTEE AND APPROPRIATIONS.

FINALLY, I WOULD LIKE TO SEE MORE OVERSIGHT DONE BY BOTH APPROPRIATIONS AND THE AUTHORIZING COMMITTEES.

Senator Richard G. Lugar
Ranking Minority Member
Committee on Agriculture, Nutrition, and Forestry

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

The Agriculture Committee has jurisdiction of the FIFRA statute which governs the registration and use of all pesticides. This area crosses over into many areas presently being regulated by the Environment and Public Works Committee. The Agriculture Committee also shares the jurisdiction of forestry issues with the Energy and Natural Resources Committee.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

Quorums have been less difficult to obtain this year. A possible reason is that the Committee welcomed six newly-elected Senators last year who found it advantageous to attend most Committee meetings. The size of the Committee should have little impact upon quorums. The problem is simply too many commitments either to be on the floor or with constituents during the 10:00 a.m. to 12:00 p.m. time period when most committees meet.

3. How many committees do you believe a Senator could serve on effectively?

I serve on two class A Committees, Foreign Relations and the Agriculture Committee, and I find these responsibilities to be full time situations.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

I do not have strong thoughts on this issue. Obviously, any budget that extends beyond one year does provide the Chairman and Ranking member with a more predictable environment in which to hire staff and plan the Committee's agenda.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

My experience suggests that conflicts between two committee meetings occurring simultaneously is ususally a manageable event. Problems arise, however, when you also include conflicts with constituent meetings, and floor activities. The so-called three week in/one week out concept may improve this situation because it will enable the more time consuming events to occur during the week in which the Senate is not in session -- and thereby provide more time to attend Committee meetings during those periods in which the Senate is in session.

6. What action is needed to ensure consistency in referrals?

I have not experienced any difficulties in this area.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

We should give the new policy of being out of session for one week each month a chance. This may improve Committee attendance and activities on the floor by providing more time for uninterrupted constituents meetings, etc.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator John C. Stennis
Chairman
Committee on Appropriations

Senator Mark O. Hatfield
Ranking Minority Member
Committee on Appropriations

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

None

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

There have been very few problems. No meetings have been rescheduled or cancelled. However, members do not always show up promptly and a smaller size committee would obviously make it easier to obtain a quorum.

3. How many committees do you believe a Senator could serve on effectively?

Two major committees

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

A biennial budget for committees would be an improvement if a sufficient allowance for contingencies is included. Otherwise, changed circumstances and workload could require numerous supplementals. Better long range planning, predictability and stability could be enhanced. Again, the key to the success of such an effort is to provide sufficient flexibility in the budget to meet changed conditions.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

More attention to a central, computerized scheduling system may be helpful. A scheduling coordinator or office in charge of the system could be the principal contact and all committees could be required to call that office at least once a week to notify it of a planned hearing or meeting schedule and to determine potential conflicts.

6. What action is needed to ensure consistency in referrals?

Generally, not applicable to Committee on Appropriations. However, the Parliamentarian could establish written, published guidelines, standards or principles (a checklist of sort) which would be used to determine referrals and the consistency in referrals. By applying a standardized, consistent "test" conflicts should be reduced. Additionally, a written notice of determination and rationale in conflicting cases of referrals could be helpful in establishing a body of precedents for future use.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

From the viewpoint of the Committee on Appropriations, improved enforcement of Rule XVI would contribute to improvements in effectiveness and efficiency in the Senate. Authorizing official objectors from each side of the aisle may be helpful. Additionally, approving Senator Byrd's resolutions on "Defense of germaneness" and Rule XV not applying to appropriation bills would be positive contributions.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

SAM NUNN, GEORGIA, CHAIRMAN

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United States Senate
COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

88 JUL 2[illegible] PM 5

July 26, 1988

Honorable Wendell H. Ford
Chairman
Honorable Ted Stevens
Ranking Minority Member
Committee on Rules and Administration
United States Senate
Washington, D.C. 20510-6325

Dear Wendell and Ted:

Attached are my responses to the questionnaire on the functions of the Senate and Senate committees.

It has taken some time to prepare my response because I wanted to give you a meaningful reply. I applaud this undertaking which is a good complement to the work you have undertaken on compiling Committee output statistics.

The Senate must improve its effectiveness and the Committees--the backbone of the Senate--must lead the way.

I hope these responses are helpful. I would be pleased to elaborate on any of my ideas if needed. I would also refer you to my testimony before the Temporary Select Committee to Study the Senate Committee System on August 2, 1984, that dealt with improving the congressional budget process. A copy is attached.

Sincerely,

Sam Nunn
Chairman

Attachments

Senator Sam Nunn
Chairman
Committee on Armed Services

RESPONSE TO QUESTIONNAIRE ON THE OPERATION OF THE SENATE COMMITTEE ON ARMED SERVICES

1. **What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?**

The jurisdiction of the Committee on Armed Services overlaps with several other committees. The largest area of jurisdictional overlap we have is with the Select Committee on Intelligence. Although there is potential for conflict between our two committees, there are few, if any, problems. The SSCI was established by S. Res. 400 which spells out the jurisdiction of that committee and its relationship to other committees, including this committee. For example, it requires that the annual Intelligence Authorization Act be sequentially referred to this committee. It also requires that there be two cross-over members to serve on both the SASC and SSCI. These provisions help keep problems to a minimum. The close working relationship of Senators Boren, Cohen, Warner and myself also help immeasureably in this area.

The relationship between the Department of Defense and the Intelligence Community is a complicated one, requiring constant attention by members of the two committees. Questions relating to oversight, organization of the Department of Defense, funding of programs, etc., require close coordination between the two committees. The line between intelligence activities and defense activities is not always clear. In fact some activities of the Department of Defense are authorized in the House by the House Permanent Select Committee on Intelligence and in the Senate by the Senate Armed Services Committee.

Despite these complexities, I believe the relationship between our two committees is excellent and requires no modification.

Our overlapping jurisdictions with other committees is less, but, unfortunately, we have encountered some difficulties. I fully recognize that each committee has a legitimate claim and responsibility to exercise its jurisdiction in the way it believes best. In the vast majority of cases, this presents no problem. However, from time to time, situations have arisen in which other committees have taken actions affecting the Department of Defense or matters within this committee's jurisdiction with which we disagreed and which we thought inappropriate. For example, this committee has jurisdiction over the national security programs of the Department of Energy, i.e., nuclear weapons. The Governmental Affairs Committee initiated legislation to establish a board which would have had vast authority over the Department of Energy facilities that produced nuclear weapons. It is certainly within the jurisdiction of the Governmental Affairs Committee to be concerned about safety and health issues of government agencies, but there were deep policy differences between this committee and the Committee on Governmental Affairs with respect to this proposal. Other areas have also arisen with respect to this Committee's jurisdiction over the national security programs of the Department of Energy, including some uncertainty with respect to the jurisdiction of the Committee on Energy and Natural Resources with respect to the liability of the nuclear weapons production facilities of the Department of Energy.

These issues arise primarily because the jurisdiction of the old joint Atomic Energy Committee was spread among several committees. The division of responsibility was a sensible one, but it has caused some problems. I believe very strongly that this committee should continue to have responsibility over the questions related to the production of nuclear weapons because they are central to our defense policy. However, coordination among the various committees is not what it ought to be. Members and staff must pay greater attention to the jurisdictional sensitivities of other committees and seek to work more closely. I do not believe any formal mechanism needs to be established, but we should seek to substantially increase coordination among the committees.

Another area of overlapping jurisdiction is the responsibility for the Army Corp of Engineers. The Public Works Budget of the Army Corps of Engineers is authorized by the Committee on Environment and Public Works. However, the military functions of the Corps of Engineers is a responsibility of this committee. In addition, the Assistant Secretary of the Army (Civil Works) who supervises the activities of the Corp is confirmed by this committee. Although this split jurisdiction has caused no problems, it has the potential to do so.

Finally, this committee has worked closely with the Appropriations Committee to avoid the problem of "unauthorized appropriations" and legislation on appropriations bills. In the past, the Appropriations Committee has appropriated the funds for a substantial number of activities which were not authorized. In addition, there is an increasing number of legislative provisions and provisions which overturn legislative programs in our authorization bill. For the past three years we have had an agreement with the Appropriations Committee to attempt to minimize these problems. For example, in the Defense

Authorization Bill passed in the Senate this year (S.2355), the Senate enacted legislation prohibiting expenditures of some of these unauthorized programs. However, this problem will recur and is often dependent on the cooperation between the leaderships of this committee and the Appropriations Committee. A permanent solution needs to be found to this problem - which I suspect is shared by other authorizing committees.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

Obtaining a quorum to conduct business has become a problem for the Committee in recent years, particularly for consideration of nominations.

The Committee receives a large number of military nominations for consideration throughout the year. During the periods when the Committee is working on the annual defense authorization legislation, it is generally not difficult to obtain a quorum to act on nominations during a hearing or markup related to the authorization process.

However, at other times it is very difficult to obtain a quorum to report nominations. In a number of instances the Committee has been forced to schedule a meeting near the Senate floor immediately after a roll call vote in order to get enough members to make a quorum to report nominations.

With 20 members, the Committee is larger now than it has ever been. This increase in the size of the Committee has naturally made obtaining a quorum more difficult.

In the past, the Committee was able to poll on routine military nominations and it would greatly facilitate our work and minimize inconvenience to Senators if we could return to that practice.

3. How many committees do you believe a Senator could serve on effectively?

The answer to this question will vary depending on individual senators.

In general, however, my own experience suggests that the longer a Senator serves on a Committee, and the more senior a Senator becomes on a Committee, the more time that Senator must devote to the work of that Committee. When a Senator becomes a Subcommittee or full Committee Chairman on a major Committee, he or she must devote a great deal of time to the work of the Committee.

As a result, in my opinion Senators probably cannot serve effectively on more than two major committees at a time.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Before answering this question, let me provide some background to explain my beliefs which are well-known to Senator Ford who has pioneered the area of two year budgets.

In 1985 I was the sponsor of the enacted amendment requiring the President to submit a two-year budget request for fiscal years 1988 and 1989 for the Department of Defense. Last year, for the first time in our Committee's history, we authorized defense spending for a two-year period. Our rationale for pursuing biennial budgeting is not only to improve congressional oversight of defense programs, but also to achieve long-term savings and better management as the Defense Department stabilizes its planning and procurement.

It seems to me that many of the same reasons we used in moving the Defense Department to biennial budgeting can be applied to the operations of Senate committees and the idea is at least worthy of pursuit. With that as background, my reaction to creation of a biennial budget for Senate committees is very positive.

Obviously, the specifics are important. I am assuming in this case that biennial budgeting would commence at the beginning of each new Congress. This is important because an incoming chairman should have the ability to structure his own committee and not inherit and have to live with the budget of a former chairman whose views and priorities might be in conflict with his own. I would also recommend that committees still be permitted the flexibility of asking for, justifying and having supplemental funding authorized, should it be required.

Biennial budgeting would permit committees to plan their activities for an entire Congress and allocate funds "to the big picture". This change from present practice will permit our staff to spend more time actually administering the budget and trying to find additional ways to economize. It is my belief that the current budget process is extremely repetitive from year to year. In these days of fiscal constraint committee budgets don't change that dramatically from year to year (except on the rarest occasions). Biennial budgeting would save both our memberships and our staffs valuable time that could be better spent, I would think, on other projects.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

I don't have any magic answers to this difficult problem. I am of the opinion, however, that the potential for conflicts is markedly reduced when the committees and the Senate operate on a full legislative week (i.e. Monday-Friday). We have made it a practice on our own Committee not to schedule more than one hearing each morning and afternoon in an attempt to minimize schedule conflicts for our Members. As a result of this practice, we have hearings every day of the week during the consideration of the annual defense authorization bill in March and April.

I do not believe that as a practical matter that fair and equitable rules could be established to govern, via a "central clearinghouse", which committee gets to meet and when. I believe that the work of committees is the backbone of the work of the Senate as a whole. Committees must be free to set their own meeting dates and times and be able to respond to the need to meet on very short notice should it be necessary (i.e. to receive a briefing on the military situation in Honduras, or an update on the progress of arms control negotiations). I think the biggest improvement to be made in this area would be for Committees to project their activities as far forward as possible so that Members are made aware of the schedules as soon as possible. This would help them to better prioritize their limited time and make decisions earlier. We do this on our Committee and try very hard not to deviate from the schedule. In January, we project our schedule for hearings, mark-up, floor action and conference. Fortunately, this year even with our work on INF we have met this January projection precisely.

Conflicts between committees and the Senate are inevitable but could be minimized by notification to committees of the long-range schedule of the Senate, which then could be compared to the projection of a committee's activities.

6. What action is necessary to ensure consistency in referrals?

This committee has not experienced problems with inconsistency of referrals of bills. I am not aware of any recent examples in which a bill was referred to another committee which ought to have been referred to this committee.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

I have three suggestions. First, I suggest that the federal budget be placed on a two year cycle. As you know, last year, Congress passed a two year defense budget, covering fiscal years 1988 and 1989. The purpose was to provide stability in the Department of Defense programs and to free up more of Congress' time for oversight. This proposal was enthusiastically endorsed by the House Armed Services Committee and by the Intelligence Committees which also adopted a two year budget. Although we were not able to resolve all issues last year on a two year basis, many were. As a result this year's authorization act addressed only those issues which required attention or were not settled last year. The process has proven to be much easier this year. It freed up valuable time to conduct oversight hearings of the INF Treaty. However, the appropriations remain on a one year basis. Until the approprations are also on a two year basis, the full benefit of a two year budget cannot be realized. I believe that the Appropriations Committee should adopt a two year budget cycle at least with the Department of Defense and the Intelligence Community, at the earliest opportunity.

My second proposal is even more radical. The time has come to collapse the three step process - budget, authorizations and appropriations - into two steps. I recognize the difficulty of accomplishing this step and I have no easy solutions. However, three different Committees in the Senate should not be doing essentially the same thing. Some consolidation of the tasks currently being performed repetitively by these three Committees must be given serious assessment. For example, some combination of the responsibilities of the Budget and Appropriations Committees might be considered. Authorizing Committees then might assume appropriating responsibility, subject to close oversight by the Budget/Appropriation Committee. My own preference is to have a combined Budget/Appropriations Committee with strengthened macro authority and much stronger authority to enforce its macro decisions after they have been endorsed by the Senate. This would allow the authorizing committees to also appropriate under the firm guidance and enforcement of the Budget/Appropriations Committee guidelines.

I recognize the enormous difficulty in converting the three step process into two and in going to a two year budget as well, but I believe that we must make a serious attempt to do that. Otherwise, we shall continue to be consumed with the budget cycle, to the detriment of our other legislative responsibilities.

Perhaps some scheme could be developed in which the three committees are merged into two while protecting the authority and seniority of the incumbent Senators. I recognize the difficulty of establishing this proposal but believe that we must think seriously about taking such serious steps.

My third proposal relates to non-germane amendments to pending legislation. The Defense Authorization bill in recent years has included everything from a conference report on Child Nutrition to reform of government-wide labor practices. An increasing number of amendments to the Defense Authorization bill in both the House and Senate--if introduced as free standing bills--would not be in the jurisdiction of this Committee. These provisions often prove the most difficult on the floor and in conference. I know Senator Byrd has a number of suggestions in this area and I hope the Rules Committee will give them careful consideration.

STATEMENT OF SENATOR NUNN (D-GA) BEFORE THE TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

THURSDAY, AUGUST 2, 1984

Mr. Chairman and Members of the Committee, I welcome the opportunity to contribute to this hearing. The essence of your charter -- to reassess the committee system which is the heart of the Senate's operation -- is a most important and serious one. A great deal of work has been done on this subject over the years and I think it is important to focus on what is doable in the short-term while outlining concepts and goals for the longer-term.

I have little doubt that frustration abounds with the current state of affairs. I have heard it expressed by the Members, as well as by those in the Executive Branch called to participate in the process.

Without some prudent, thoughtful changes in how the Senate and its Committees conduct their business, we run the risk of becoming increasingly mired in duplication and details while we accomplish less and less. In essence, the Senate, and the Congress as a whole, is choking on its own processes. Success cannot and should not be measured by the length of a Committee report and the days and hours of testimony. This does not necessarily mean we are accomplishing our work. For, example, there is no defense authorization law, yet both bodies have passed reports and bills that are over ten inches high and are backed up by volumes of testimony.

Mr. Chairman, I suspect you will find more unanimity on the symptoms of the ailment than on the elements of any treatment. The Senate, however, has entrusted to you the task of isolating the problems, identifying solutions, and building the consensus needed for any changes. I do not pretend to have the definitive and final solution, but I do have a few observations.

Dominance of the Budget Process

Mr. Chairman, I believe the primary culprit in our current predicament is the annual budget process. No one can deny that approving a Federal budget is an important, indeed a paramount, obligation of the Congress. No one can deny that the 1974 Budget Act which many of us worked on, provided, for the first time, the ability to spotlight the federal budget and to attempt to provide broad guidelines on overall consolidated spending. But the time and workload of the Senate -- and its Committees -- are being dominated and devoured by this task alone. This goes double for the Executive Branch which is -- all at the same time -- executing the previous year's budget, testifying in three major cycles on the current year request, and also preparing the next year's request. As the budget has grown in size and complexity, the situation has worsened steadily, with more and more time and resources consumed by budget-related legislation and responsibilities. We are all drowning in budget detail.

Yet even with the expenditure of all this concentrated effort, passage of a budget each year comes later and later, and rarely, if ever, in accordance with long established deadlines. Despite the extra three months when the fiscal year shifted to

October 1 at the end of FY76, we do not have a budget resolution this year, we do not have a defense authorization bill, and we do not have a defense appropriations bill, and there are less than 30 working days left in this Congress, and barely two months until the new fiscal year. I must add, however, that even under perfect procedures, the fundamental differences on the defense budget this year would have held up the process.

Why has the budget process become such a voracious consumer of the Senate's energies?

Duplicative Committee Review

First, there is duplicative Committee review. The Committee process originally was established to avoid such duplication by establishing individual forums of expertise. In the budget area, however, this attempt at an efficient division of labor has been gradually reversed. Increasingly, detailed review of the President's budget proposal is annually performed in each House at least three times by three different sets of Committees - Budget, Appropriations and Authorizing Committees.

What does this mean in terms of Members (and Committee) time and resources? To use just several examples, in connection with just the FY 1984 Defense Budget, the Senate Armed Services Committee held 27 full days of hearings, taking 7 volumes of testimony (approximately 4500 pages) from some 192 witnesses. The product was a report that was 526 pages long and a bill that was over 300 pages. The Appropriations Committee, in connection with the same FY84 budget request, held another 17 days of hearings, taking 4 volumes of testimony (some 5300 pages) from many of the same witnesses. These figures, of course, do not include the time spent by the Budget Committee on the same budget request. Nor does it consider the countless hours spent by Executive Branch Managers providing repetitive testimony, often to some of the same Members who serve on different Committees. Nor does it include the thousands of questions for the record which DoD must answer, many of which are duplicative.

This year, we went thru the same cycle of testimony and produced a 375 page bill and a 527 page report.

In addition to this Committee time, the Senate spent over two weeks on the Floor last July debating the FY 1984 Defense Authorization Bill, only to spend another week of floor time in November debating many of the same issues in the context of the FY 1984 Defense Appropriation Bill. Indeed, many of the roll call votes were repetitive (e.g. nerve gas). The situation has not improved this year. We spent over three weeks on the floor this year, with 110 amendments. Interestingly enough, the Senate Parliamentarian indicated that many of the amendments that were adopted -- if original legislation -- would not have even been referred to our Committee.

Excessive Attention to Detail

Second, the extent to which we have wrapped ourselves around the budget axle is exacerbated by the growing tendency to examine budget proposals in ever finer, almost microscopic, detail. The Armed Services Committee now authorizes almost every element of the Defense budget each year, down to almost the last screw and bolt. Even those Committees -- such as the Budget Committees - charged with viewing funding requests on the broadest focus increasingly are examining and passing judgments on individual program decisions. At its worst this tendency has spurred not unreasonable accusations of Congressional "micromanagement". I think the length of the Committee reports on the defense bill bear this out. But even more troublesome, this trend to micromanagement has the staff and members focusing on the grains of sand on the beach while we should be looking over the broad ocean and beyond the horizon.

Accounting Maze

Third, there is the accounting structure. We perform our budget tasks based on a framework that can only be described as an accountant's nightmare. Each participant in the budget process - the Executive Branch, the Budget, Authorizing and Appropriations Committees -- use their own, often inconsistent, set of accounts or functional listings. Further, they often work from different baselines and economic assumptions. This maze of variables makes accurate tracking of budget actions exceedingly complex. The diffused division of Committee jurisdiction over various pieces of these differing accounts and functions only further complicates matters. For example, funds within the Budget Committee's "commerce and housing credit" function fall under the jurisdictional responsibility of 5 different Appropriations Subcommittees and 5 different Authorizing Committees. Jurisdictional fights and requests for sequential referral only further contribute to the cumbersome nature of the way we carry out our budget responsibilities.

In summary Mr. Chairman:

1. There is not enough time for the Congress to complete the budget, authorization, and appropriations process before the start of a new fiscal year.

2. Each part of the budget process -- the Executive Branch, the budget, authorizing, and apropriations committees -- use different account or functional listings, and, in addition, they each work from diferent baselines and economic assumptions, making a "crosswalk" among them extremely difficult.

3. There is insufficient time for oversight of programs and policies as the budget process has become more unwiedly.

4. More and more of the federal budget has to be authorized annually, causing an overload in the authorizing committees.

5, Missed deadlines anywhere in the budget process have a domino effect on the remainder of the budget process, e.g., if the authorizing committees miss their May 15 deadline, appropriations bills are then delayed.

6. Making the Second Concurrent Resolution binding, instead of the First, delays the budget process.

7. The committee system is being crowded out by the budget process, and the Senate is losing its role as "court of appeals."

8. Appropriations bills are becoming more contentious and, thereby, are harder and harder to pass.

9. There are too many legislative and nongermane proposals on appropriations bills.

10. Schedules are so hurried, it is difficult to focus on fudamental policy issues. (Example - restructing Joint Chiefs - DOD).

11. There is too much duplicative and repetitive effort among the authorizing committees, the Appropriations Committees, and the Budget Committees.

12. There are too many committees and subcommittees in the Congresss, and we are not enforcing the rule limiting the number of committees on which a Senator is permitted to serve.

13. There is no mechanism for a mid-course correction on entitlements, if the sum total of entitlements exceeds the expenditures estimated. This is beyond the scope of any committee restructuring.

14. Also beyond the scope of any committee restructuirng is the simple fact that the Federal Government is responsible for virtually every facet of American life. As long as we continue to address the totality of governmental issues at the Federal level, no committee system will permit sufficient time to perform our duties with efficiency and effectiveness. The tragedy is that by trying to address all issues in Washington, we are doing a poorer job of handling those matters which only the Federal Government can handle. President Reagan addressed this issue his first year, but his efforts were perceived as being primarily a way to shift expenditures to other levels of government, rather than really shifting decision making.

Unending Cycles

Next, when all of this is squeezed into our annual sessions, the result is an unending cycle of budget labors. We no sooner finish grappling with this beast in November or December, then we must start all over again in January. Since these annual cycles consistently run together, there is less and less time free for Congress to exercise its oversight responsibilities. We have to look at and decide the same issues over and over again, year after year. In the defense procurement area, it is akin to have to decide with your wife on a piece of furniture for your living room, the color of the fabric and the cost at least three times a year, at least every year for eight to ten years (time required to procure the major weapon systems). How many of us would want to go through that at home year after year. And yet this is how we run our government.

Proliferation of Non-Germane Amendments

Finally, there is another side affect directly related to the budget scenario that I should mention. As the time available to address substantive legislation dwindles, the number of non-germane provisions on budget bills has proliferated. Budget-related bills become catch-all vehicles to transport substantive legislation that gets crowded out in Committees and on the Senate floor. Our Defense bill this year was stacked with such provisions as I mentioned previously. Despite our own rules, appropriation bills also succumb to this aberration from traditional legislative procedures.

Goals of Reform

So much, Mr. Chairman, for the easy part. While the need for adjustment is clear, the path for change is unmarked. Whatever the specifics of change, let me share with you my list of general objectives for any effort at reform. All these goals could be listed under the general rubric of reducing and rationalizing the Senate's budget workload.

1. Reduce the Number of Cycles - Shift to some form of multi-year budgeting to avoid a lengthy, time-consuming, annual *ab initio* review of the federal budget. Such a shift also might yield less disruption and greater continuity and stability in program funding. This could start slowly such as applying it to only a few departments such as defense while gradually shifting the entire government. This would permit the first year of a two year budget for examination of the specifics and the second year would be devoted primarily to oversight. Provisions could also be incorporated to have vested in the appropriations committee. A number of bills creating a biennial budget process already are pending in the Congress.

Another alternative - the Congress could choose to establish an explicit procedure to authorize milestone decisions in the weapons acquisition process, paralleling the current system of the Defense System Acquisition Review Council milestone used by DOD. To establish the appropriate role for these new procedures, the Congress would have to establish in the law explicit reporting and documenting procedures for the Department to follow in meeting these milestones. Those documents should lay our procurement patterns, life cycle costs, key development and production milestones, inventory and force structure objectives, and test and performance parameters.

2. Rationalize the Accounting Framework - Decide upon a set of accounting/function categories that are uniform, rational and practical and that can be applied at all stages of the budget process. These categories should be developed with an eye towards shrinking the number of "players" (i.e. Committees and Subcommittees) that must be involved in the budget analysis and approval process.

3. Eliminate Unnecessary Duplication and Repetition in the Process - Three different Committees in each House should not be doing essentially the same thing. Some consolidation of the tasks currently being performed repetitively by these three Committees must be given serious assessment. For example, some combination of the responsibilities of the Budget and Appropriations Committees might be considered. Authorizing Committes then might assume appropriating responsibility, subject to close oversight by the Budget/Appropriation Committee. My preference is to have a combined Budget/Appropriations Committee with strengthened macro authority and much stronger authority to enforce its macro decisions after they have been endorsed by the Senate. This would allow the authorizing committees to also appropriate under the firm guidance and enforcement of the Budget/Appropriations Committee guidelines.

4. Rational Level of Review and Jurisdictional Reach - Congressional self-restraint must be exercised in reviewing

budget proposals. Congress cannot blithely rubber stamp these measures, without ever donning its green eyeshades. But Congress cannot insinuate itself into every nook and cranny of executive budget decision-making. The Senate and its Committees must find that appropriate level of detail and stick to it. Moreover, Committees must learn to keep to their own jurisdictional turf and not seek sequential or joint referral of legislation which may have budgetary impact on programs within their substantive purview.

Conclusion - It Won't Be Easy

I said earlier that this Committee's task was a serious and important one. On the other hand, it will be far from easy. There is always a built-in inertia against change, especially when it may mean disruption of inveterate responsibilities and expectations. But it is in our own -- and the Nation's -- long term interest to combine efficiency with thoroughness in the way we conduct our business. I know this Committee will analyze these issues frankly and objectively. The Senate will profit greatly from your efforts. I stand ready to contribute further in whatever way I can to make those efforts an unqualified success.

Senator William Proxmire
Chairman
Committee on Banking, Housing, and Urban Affairs

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

1. Mass-Transit (Banking) and Highways (Environment and Public Works)
2. Regulation of Banks (Banking) and Regulation of Farm Credit Banks (Agriculture)
3. Regulation of Securities Trading (Banking) and Regulation of Financial Futures Trading (Agriculture)
4. Export Controls (Banking) and Import Restrictions (Finance)
5. International Monetary Policy (Banking), (Foreign Relations), (Finance)
6. Defense Production Act (Banking) and Stock Piling (Armed Services)
7. Housing Programs (Banking) and Veterans Housing (Veterans)

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

The main difficulty in obtaining a quorum stems from multiple Committee and Subcommittee assignments. Also, the frequent guarantee of no floor votes on Mondays or Fridays makes it all but impossible to obtain a quorum on those days.

6. **What action is needed to ensure consistency in referrals?**

More consultation by Parlimentarian with relevant Committees in borderline cases.

7. **What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?**

The Senate should adopt the functional equivalent of a House Rule for considering bills. The rule would be adopted by a three-fifths vote and contain time limits and prohibit non-germane amendments. A two-thirds vote should be required to appeal rulings of the Chair.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

3. How many committees do you believe a Senator could serve on effectively?

Two major and one minor and not more than five subcommittees strictly enforced. The Budget Committee should count as a major committee.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Indifferent

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

1. Stop the guarantee of no-votes on Mondays and Fridays.
2. Drop requirements for unanimous consent for committees to meet while the Senate is in session.
3. Make more Committee hearing rooms available in the Capitol, thereby encouraging more afternoon meetings.
4. Require at least 3 days advance notice of meetings.

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Senator Lawton Chiles
Chairman
Committee on the Budget

United States Senate

COMMITTEE ON THE BUDGET
WASHINGTON, DC 20510-6100

May 17, 1988

The Honorable Wendell H. Ford
Chairman
Committee on Rules and Administration
United States Senate
173A Russell Senate Office Building
Washington, D.C. 20510

The Honorable Ted Stevens
Ranking Republican Member
Committee on Rules and Administration
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510

Dear Wendell and Ted,

Thank you very much for your letter of March 1, 1988, and the opportunity to comment on your Committee's comprehensive review of the Senate's operation. I appreciate your giving me a chance to participate in this process.

As you know, I shall be retiring from the Senate at the conclusion of the 100th Congress. Having chaired an authorizing subcommittee, an appropriations subcommittee, and the Budget Committee, I have been able to see the Senate from a variety of angles. I welcome this opportunity to offer some thoughts on the process looking back from my 18 years here.

Here are my answers to the questions in your questionnaire:

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

Strictly speaking, the Budget Committee's jurisdiction overlaps with that of the Committee on Governmental Affairs under the standing order on referral of budget-related legislation and with the Committee on Appropriations and authorizing committees under the standing order on referral of impoundment legislation. In a more general sense, the Budget Committee's jurisdiction overlaps with those of all committees--authorizing, appropriation, and revenue--that handle money matters. (The Senate adopted the standing order on referral of budget-related legislation at 123 Cong. Rec. S13553 (Aug. 4, 1977). The order on referral of impoundment legislation appears at 121 Cong. Rec. S1280-81 (Jan. 30, 1975), was adopted at 121 Cong. Rec. S1302 (Jan. 30, 1975), and was modified at 132 Cong. Rec. S4157 (Apr. 11, 1986).)

Under the standing order on the referral of budget-related legislation, the Budget and Governmental Affairs Committees share jurisdiction on most issues involving process under the Congressional Budget Act of 1974. This standing order makes sense because of the Governmental Affairs Committee's general expertise in governmental structure and the Budget Committee's specific expertise on a day-to-day level in making the budget process work. Although this duplication has not led to too much difficulty, some confusion has arisen over whether the sequestration process under Gramm-Rudman-Hollings falls completely within this order. It should, and perhaps it would aid in understanding if the Rules or the standing order made this explicit.

Under the standing order on the referral of impoundment legislation, the Budget, Appropriations, and authorizing Committees share jurisdiction over rescission and deferral legislation.

In the broader context, the Budget Committee must concern itself with all legislation that implicates the congressional budget. The Budget Committee must see to it that this legislation abides by the congressional budget. This leads to some duplications and occasional hard feelings, but those are a necessary side effect of controlling the Federal budget.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

The Budget Committee has on occasion had difficulty obtaining a quorum. A recent example occurred in the meeting to report the Omnibus Budget Reconciliation Act of 1987. The difficulty there arose almost entirely because of policy reasons, however; we obtained the attendance of all the Democratic members of the committee, but keeping Republican members at the table proved difficult. The size of the Budget Committee is not the primary problem in obtaining a quorum.

The Budget Committee's rule limiting the use of proxies has made problems in obtaining a quorum for committee meetings less frequent. Because Senators cannot vote by proxy during deliberations on budget resolutions, they are more likely to attend in person and thus more likely to contribute to the creation of a quorum.

3. How many committees do you believe a Senator could serve on effectively?

I have no objections to the current rules with regard to the number of committees on which a Senator may serve. I do, however, object to the all-too-common use of proxies for voting in committees. Members owe their constituents and the Senate the responsibility of attending meetings and informing themselves in person of the issues before the committees on which they serve. I address my objections to the scheduling consequences of serving on several committees in my answer to question 5, below.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Let me note at the outset that the subject of two-year budgeting necessarily falls within the jurisdiction of the Budget Committee under the standing order on budget-related legislation noted above. On the general subject of two-year budgeting, I recommend for your review the CBO staff working paper on the subject: Congressional Budget Office, Biennial Budgeting (Nov. 1987) (available from CBO).

At first blush, two-year budgeting appears as though it might help. I have some concerns, however, with proceeding directly to a two-year process for budget resolutions without a period for experimentation. The Senate can make much progress toward the goals of two-year budgeting by adopting two-year

> longer period for making budgetary decisions will make missing targets less likely. The accuracy of this assumption is questionable. Delay is probably inherent to budgeting because of the important decisions that are made in this comprehensive process. In addition, differences over budgetary goals between the Congress and the President, and between the House and the Senate, have been important causes of missed target dates. Biennial budgeting is likely to make it even more difficult to reach compromises over major policy differences, because the stakes will be higher with a two-year budget that with a one-year budget.

Id. at 2; see also id. at 31.

State Experience States have moved away from the two-year budget. Forty-four states used it in 1940; only 19 do now. Id. at 2. In 11 of the states with two-year budgets, either the state constitution or tradition provide for major annual reviews of the budget. Id. at 19. See generally id. at 19-22, 24-25. We should heed the experience of the states.

Accountability The two-year budget is a step away from regular accountability. It's one less time that leaders must answer to the American people for their spending. Just as any household must pay its taxes on an annual basis, the Federal Government should have to account annually for its finances.

Experimenting with two-year appropriations measures would not engender the difficulties I have listed here. The Senate could turn more frequently to those issues that it views as most pressing, and leave for longer cycles the issues that do not warrant annual discussion.

I address the larger issue of what to do with the budget process below in the answer to question 7.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

The Senate could do a whole lot better job of coordinating hearing times among committees. In this time of computerized offices, a central office should coordinate meeting times to avoid conflicts. Staff there could program into that system appropriations bills. The Senate should move in this direction on a subject-by-subject basis. The results of this experimentation process would allow us better to assess the entire two-year budgeting idea. Here are my concerns with moving more expeditiously:

Stability of Forecasts We do not have the capability accurately to forecast far enough in advance to plan the entire budget for two years. Currently we have enough difficulty obtaining forecasts accurate enough to budget for one year. As the CBO working paper I cited above states, "Expanding the horizon of the budget year will undoubtedly increase errors in budget projections . . . ." Id. at 2.

Pressure to Revise As the CBO working paper says: "The pressure to revise the budget would often be strong, . . . and no rules of the Congress exist that would prevent it from doing so." Id. at 1. Experience teaches that participants in the budget process will seek to revise out-of-date budget figures as time wears on. When they do, they will pass revised budgets and supplementals--procedures that involve less rigorous analysis of the larger budget picture. This revision process may well lead to giving just as much attention to annual budgets, but doing so on a less organized basis.

New Issues In addition to economic pressures to revise, Congress will confront new issues--such as drug abuse or homelessness--that it will want to address. Two-year budgeting will force the Congress to delay longer addressing these issues or address them through ad hoc procedures outside of the budget.

Annual Budgeting Imposes Discipline The current process of annual budgeting forces the President to face the taxing and spending issue every year. A two-year cycle would hold the President's feet to the fire less often. The budget problem we face is not one of paying too much attention to reducing the deficit. Congress and the President need continual reminding of the fiscal effects of their actions. Addressing the budget less frequently goes in the wrong direction.

Annual Budgeting Forces the President to Cooperate Giving up the annual budget would surrender one of Congress's most valuable tools to check and balance the President:

> The "must-pass" character of appropriations requires the Executive Branch to negotiate in good faith and to conform

> to previously enacted law. Therefore, forgoing annual appropriations would mean that the Congress would periodically do without its most coercive tool. In the absence of annual appropriation controls, the Congress might respond by writing legislation more restrictively for agencies that it did not trust. By eliminating agencies' flexibility, these "micromanagement" provisions could force them to act inefficiently. Yet, since it would often be difficult for the Congress to anticipate future conditions, agencies would probably be left with greater discretion than they currently enjoy.

_Id._ at 3; _see also_ _id._ at 41.

Budget Enforcement Erodes Experience teaches that the effectiveness of budget points of order in containing spending declines as the year progresses and exceptions arise, staff find their way around them, and momentum builds to waive them. Furthermore, the numbers on which the points of order would be based would either become out of date or require revision.

Relation to Gramm-Rudman-Hollings Institution of a two-year budget would require reopening and perhaps revising Gramm-Rudman-Hollings. Either the annual across-the-board cutting mechanism would require Congress to ignore the two-year budget cycle, or Congress would have to abandon the annual discipline of Gramm-Rudman-Hollings in favor of even more draconian discipline every other year. The intersection of Gramm-Rudman-Hollings and two-year budgeting has caused difficulties for the experiment in two-year budgeting for the Department of Defense. _See_ _id._ at 10-11.

The Byrd Rule Advocates of two-year budgeting argue that it is needed because Congress tries to attach too many pieces of legislation to the annual reconciliation bill. The Senate has addressed that problem directly by prohibiting extraneous amendments to the reconciliation bill. We need not throw out the entire annual budgeting process to correct smaller procedural problems.

Delays Some have advocated two-year budgeting as a tool to decrease delays and missed targets. As the CBO working paper concludes, however, two-year budgeting will more likely cause the opposite result:

> [One two-year budgeting] model assumes that having a

which Senators sit on which committees and advise committee schedulers as to when it would be best to schedule new meetings.

When I was in the Florida State Senate, each committee set its own standing schedule. Senators had to take that schedule into account when they planned their schedule and try to avoid conflicts. The United States Senate may not be able to impose upon itself that level of discipline, but at the least, committees should try to set up regular meeting times on certain days of the week so that Senators and other committees might more easily predict their schedules.

On a different level, we might require the money committees--Budget, Appropriations, and Finance--to hold their hearings during the early part of the calendar year, to free up time for policy decisions during the later part of the year.

6. What action is needed to ensure consistency in referrals?

The Parliamentarian's office has responsibility for ensuring the consistency of referrals. Aside from a few particular issues here and there, I have no general complaint with the actions of the Parliamentarian's office in this regard. The Parliamentarian should, of course, take steps to ensure that his office apprises all committees of referrals that affect them.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

Even though it does not fall entirely within the ambit of your question, let me take this opportunity to comment generally on the budget process. I often hear people blaming the budget process for the inefficiency of the Senate. Some have complained about a breakdown of the budget process. I don't mind concern over the budget, and I'll be the last to defend massive continuing resolutions that come to the floor without knowledge or debate. All of us want to do better. Even so, critics of the budget process can make too much of the process discussion.

Our former colleague Sam Ervin called the Congressional

Budget Act "probably the most significant congressional act passed during the entire history of the country." President Reagan, however, called it "the most irresponsible, Mickey Mouse arrangement that any governmental body has ever practiced." Somewhere between those two extremes lies the reality.

If we decide to address the budget process, we need to ask some basic questions right from the start. Do we need Mr. Goodwrench under the hood, or better drivers behind the wheel? The deficit problem results more from a failure of political will than a failure of the budget process.

Back in the early 1980s, with the deficit at $80 billion, enthusiasm for a balanced budget amendment ran high. With the deficit at $150 billion, the item veto appeared as a talisman. When the deficit reached $200 billion, we enacted Gramm-Rudman-Hollings. A pattern emerges. The higher the deficit, the more we look elsewhere for a hammer-and-wrench solution.

The fact is, the budget machinery is not the problem. Each time the machinery has been on the verge of producing the intended product, the circuit breakers have been tripped and the machinery shut down by the board of directors.

Causes of Budget-Related Problems

Before accepting the conclusion that we need to change the budget process, let's examine the diagnosis a bit more carefully. Many agree on the symptoms--missed deadlines, legislative logjams, vast numbers of amendments latching onto a few vehicles. Yet, in my view, the causes lie elsewhere than just in the budget process. Other causes include the following:

Deficit Environment The President's creation--through the 1981 tax cuts and increased military spending of the 1980s--of irresponsibly large deficits has caused Congress to focus mostly on the dollar aspects of legislation. If we did not have a deficit, we would not have to spend so much time disputing the size of every spending bill. Because the deficit looms so large, we cannot avoid debating the fiscal effects of any spending bill. Legislating with a minus sign is always tougher and less fun than adding to spending. As long as the deficit forces us to legislate in an environment of spending cuts, authorizing committees will naturally spend less time designing new programs than fighting to protect funding for old ones.

Up until the budget summit at the end of last year, political grid-lock has existed between the Congress and President on the mix of domestic spending, defense spending, and taxes. (Even that summit produced a least-common-denominator agreement, not a real and lasting solution to the budget problem.) The budget has been the forum for disputes between the White House and Congress over these priorities. As the CBO working paper I discussed above puts it, "differences over budgetary goals between the Congress and the President, and between the House and the Senate, have been important causes of missed target dates."

Obstructionism The White House has used the budget process (just as it has used other procedural tools in the Senate) to obstruct action when it disagrees with the substantive result. As a result, critics blame the budget process when in fact a significant minority of Senators has blocked decisions for policy reasons.

Lack of Restraint Senators who tack amendments on any available bill to appeal to home state interests or a national group have added to the problems of the budget process. Budget bills have often been a rack on which to hang a whole wardrobe of amendments, and the critics make the budget--rather than the amenders--the target of their criticism.

After the last few grueling years, I certainly don't claim that the process is perfect. There are areas where we might streamline the budget process. Nonetheless, in this environment of fiscal challenge, we must avoid "reforms" of the budget process that amount to little more than eliminating restraints on spending or shifting power from Congress to the executive branch. We should provide for more orderly and efficient consideration of spending legislation; we should not do away with restraints merely to make it easier to spend. With this in mind, let's examine the problems that Senators frequently raise.

Streamlining the Schedule

The current process delays most of the work in our schedule to the end of the session. Moving to only one budget resolution a year improved matters, but Gramm-Rudman-Hollings added on a new layer of dates totally out of phase with the rest of the process. While requiring an earlier budget resolution and reconciliation bill, Gramm-Rudman-Hollings made this harder to achieve by setting an August date for CBO's and OMB's reports on how much deficit reduction we need to do to avoid across-the-board cuts. This makes it hard to get people to bargain seriously as they say, "wait until August and we'll see how much we have to do when we get the final numbers." Committees naturally defer the heavy lifting until they know what the bottom line is. Some object, with some justification, that it is hard to play a game with constantly-changing rules.

If we wish to continue the Gramm-Rudman-Hollings budget-cutting process, moving the reports up to dates earlier in the year would facilitate the final compromises we need. We might consider a date sometime during the markup of the budget resolution in the Budget Committee in March or April.

The Byrd Rule on extraneous provisions continues to provide a powerful tool to streamline reconciliation. (As you recall, that rule prohibits, among other things, putting non-budgetary components into the reconciliation bill.) Using the Byrd Rule, the Senate can keep the reconciliation bill from becoming a grab bag of anything committees want to push through. As a result, we can have fewer votes and a much easier conference. Greater enforcement of the Byrd Rule would help to decrease the degree that important budget legislation attracts amendments like a magnet.

Omnibus Continuing Resolutions

The President complains about Congress's recent tendency to pass omnibus continuing resolutions instead of regular appropriations bills. One of the two pieces of legislation that you noted in your letter, S. 1835, would address this issue.

The practice of passing continuing resolutions instead of regular appropriations bills has an interesting history. It began with the abortion fight, when House members decided they could not vote for any compromise abortion language on any appropriation bill, but they would vote for it on a continuing resolution in order to keep the Government going. Having locked into that artful dodge for several years, we developed the art of writing continuing resolutions with reference to complete bills and reports. Now a continuing resolution looks just like a regular appropriation bill--except that it comes to the Senate floor with weaker protection against legislative riders.

The next big step in continuing resolution development was the tendency to delay the regular bills until September and roll them into an omnibus bill. This didn't come about because of delays in the budget process. It started in the summer of 1981, when Budget Director Stockman realized we were right about how far his numbers were off, and he sent up a second round of domestic cuts. The House had already acted on all the appropriation bills, and the Senate Appropriations Committee had marked them up. Director Stockman prevailed on the Senate leadership to hold the bills and do a continuing resolution so he could push cuts on the bottom line.

We went to a consolidated continuing resolution during the last two years when we wanted to make sure the bottom line did not violate the Gramm-Rudman-Hollings targets. Of course, the leadership on both sides of the Capitol also decided to avoid a series of politically risky veto fights at the end of the session. The leadership held off regular bills (which had been marked up expeditiously) and negotiated a single, acceptable continuing resolution.

The Congress should produce its several appropriations bills for the President to sign. Presenting the President with a variety of measures forces the President to take greater responsibility for his policies. As it is with a continuing resolution, he can duck the hard issues by saying he is forced to sign the bill. Furthermore, the cumbersome size and late consideration of the continuing resolution make it difficult for Senators to deal with and invite the insertion of extraneous components.

The Debt Ceiling Bill

Similarly, some have complained about turning the debt ceiling bill into a "legislative vacuum cleaner." This is not strictly a budgetary issue; debt ceiling legislation is open to those amendments because it is a resolution in the form of general legislation. It presents an appealing target for several reasons. It is a "must-sign" bill. It is a House-passed revenue measure and thus open to all the amendments that the Finance Committee has not wanted to consider. In the past, some Senators have kept difficult amendments from coming to a vote by postponing them for the debt limit.

We took one step toward solving the problem in October 1986 (after watching 140 amendments added to debt limit the first time around), by putting the debt limit into the reconciliation bill, which is open only to germane amendments. The Senate should do this as a matter of course. On this subject, I recommend for your consideration Senator Exon's bill, S. 1011.

The Line-Item Veto

Is the line-item veto the answer? No. The proposals for a line-item veto conflict with the time-honored principle of separation of powers. Giving the President the line-item veto would yield additional powers to legislate to an already powerful Presidency. The framers of the Constitution vested the legislative powers in the Congress, giving the President power to sign or veto legislation without change. A line-item veto would empower the President to change the shape of legislation.

The line-item veto proposal would also threaten the Constitutional principle that the power of the purse is vested in the Congress. The power of the purse constitutes one of the few checks and balances on the Presidency short of impeachment.

After accounting for expenditures required by law--such as interest on the national debt and entitlements--the remaining discretionary expenditures subject to the item veto amount to a small portion of the budget. The item veto would apply to appropriations bills, not to authorizations measures, not to revenue proposals. And it's unthinkable that this Administration would exercise the veto in areas outside the domestic sphere. As a practical matter, the item veto could not balance the budget.

The President already has enough power over the budget process. The President proposes the budget. He can focus national attention in a way that no legislature composed of 535 members can. The President already has--and uses--extensive power to defer expenditures. The President's request for a line-item veto amounts to little more than an unwarranted grab for power on behalf of an already powerful Presidential institution.

I am concerned, however, about the growing practice of including numerous spending proposals of dubious merit in the omnibus continuing resolution. Unless the Congress takes steps to curb these abuses of the process, people will turn to the line-item veto in desperation. Perhaps the Chairman of the Appropriations Committee and the Majority Leader should provide a screening process to ensure that omnibus bills contain only measures that truly command the support of the majority of the Senate.

Enhanced Rescission Authority

Requiring the Congress to vote on Presidential rescissions would be surrendering to the President the authority to set the Congressional agenda. In remarks to Budget Director Miller at his hearing before the Budget Committee on February 19, 1988, Senator Quayle showed how this might work:

> I also want to encourage you to send up some rescission measures this year. And even though you do not have that additional authority, to send them up and see what we can do with it. Package it in a good, strategic way that would be difficult for the Congress to say no, and let some of us try to go to work.

This makes it clear that it would do great violence to the legislative process to give the President open-ended power to draft legislation that the Congress must vote on without amendment. Remember that appropriations bills contain language, too, not just numbers.

Joint Budget Resolutions

The President keeps insisting that he ought to have the power to sign or veto the budget resolution before it can take effect. Congress set up the Congressional Budget Act, however, to create internal rules to govern Congress. Now an already powerful President wants to exert even more power over the formulation of the budget that governs congressional actions.

Requiring the President to sign the congressional budget would cause even more delay in the budget process. He could veto the budget and stop all action on appropriations bills. It would be politically easy to veto the budget resolutions, giving the President the ability to engage in demagoguery about how the Congress can't fulfill its responsibility on the budget.

We have all learned over the years that it's a lot easier to vote "no" on a budget resolution and engage in demagoguery than to face up to the hard choices. I remember back in 1983 when at the White House's urging the Republicans refused to compromise on a budget resolution because they preferred no budget to one that limited military spending. Sure, we eventually worked out a compromise, but not until after Labor Day, so that all the appropriations bills were held up.

Committee Rules Changes

Let me now turn to the suggestion that most directly responds to your request regarding the Senate rules. Suggesting changes in the structure of Senate committees always carries with it the risk of threatening some Senators' jobs and power bases, and thus is always a risky and often a futile task. If we could ensure that with any revision of the committee structure, the Senate would give every Senator a renewed opportunity to attain positions of like stature to those he or she now holds, then it might be possible to suggest some changes in the Senate committee structure.

In particular, too many layers of committee action can slow down the legislative process. Because the Budget Committee is the layer of consideration most recently added to the taxing and spending process, it has unfairly received the most criticism as adding to the delays. Delays arise at various levels in the path between introduction of a bill and final appropriation.

In the current system, money must be budgeted, authorized, and appropriated. Both budgeting and appropriating were steps required to allow one group to step back and see the big picture. With the growth of entitlement spending, the appropriations process no longer casts a broad enough net to achieve that goal. On the other hand, the budget committee does not directly control spending in the last instance, as does the Appropriations Committee.

Authorizing was intended to set policy directives and appropriating to define spending priorities. Authorizing committees have increasingly involved themselves in spending decisions, however, and the Appropriations Committee has increasingly involved itself in policy. This is only natural in an era in which control of the purse strings necessarily controls the bulk of the policy decisions.

Congress has used appropriations to address policy issues that the authorizing committees refused to tackle. (The abortion riders to the Labor and HEW appropriations bills in the mid-1970s provide a prime example for this.) Members in committee or on the floor find it hard to say "no" to people who want an issue addressed. (Once again, we could address this problem by applying the 60-vote criterion in the Byrd Rule to extraneous materials on appropriations bills as well.)

From the other side, authorizing committees have been unwilling to leave funding decisions to the Appropriations Committee. Two strategies have emerged. The Armed Services Committee moved to annual authorizations, using up the whole allocation for defense, to limit the scope of Appropriations Committee decision making. That opens us up to two votes on each weapon system. Again, that is not the budget process at fault. It is a matter of turf. In the other strategy, authorizing committees (led by the Finance Committee) make their programs entitlements, which eliminates any Appropriations Committee decision making. While that certainly avoids duplicative votes, it adds to the growth of deficits.

Plainly duplications of effort exist on the road to congressional spending. Greater duplication, however, lies between authorizing and appropriating committees than between appropriating and budgeting. If we are searching for ways to streamline the spending process, we might want to turn there. If we wish to cut the number of steps required to spend money, we might combine authorizing committees and subcommittees of the Appropriations Committee.

One of the two pieces of legislation that you specifically address in your letter--S. Res. 260--would eliminate this duplication of effort and thus has a lot to recommend it. While I do not support the resolution in its entirety, it does deserve our close attention and help in perfecting it.

On the down side, S. Res. 260 contains the idea that the Committee on National Priorities (as it would call the reconstituted Budget Committee) should consist of all the Chairmen and ranking members of the other committees. This has the risk of leading to least-common-denominator budgeting, where each chairman holds a veto over deficit reduction that implicates his or her jurisdiction. The experience of the House Budget Committee has taught us that the institution of budgeting suffers when representatives of other constituencies look out for other interests first. The Senate needs a group that is looking out first and foremost for the bottom line. One of our successes at the Budget Committee has been resisting the temptation to have subcommittees, and as a result, members have not become advocates for their particular fiefdoms. Designating membership from committees would create that same pressure to advocate special interests and reduce the role played by the Budget Committee of cutting across differing constituencies.

Successes of the Budget Process

What have been the successes of the Budget Act, and what would we lose if we watered it down? First of all, it has given us a way to look at the bottom line, and debate overall priorities for defense, domestic spending, and taxes. Without a budget resolution, the President's budget proposal would be the sole standard for evaluating legislative proposals. Anything up to his level in defense would be all right; anything above his domestic cut proposals would be "over budget" or a "budget buster." We would have no way of looking at spending and revenues at the same time, and no way of packaging spending cuts with revenue increases for political acceptability.

Second, we have avoided the kind of bruising fights that happen when a committee works away at a bill for a year, makes its deals, gathers support, and then brings it to the floor; only to be told by fiscally conservative members or the Administration that we can't afford it. By having a vote first in the budget resolution on whether to undertake a new initiative, we clear the way for later action. We know in advance if something "fits" within the budget or whether it adds to the deficit.

Reconciliation has proven a success at packaging spending cuts and revenue increases into a package big enough that the deficit reduction gain deflects the political heat from the groups feeling the cuts. Reconciliation is the bill the authorizing committees love to hate. They like saying "that devil Budget Committee made me do it," to pass the cuts they know we need.

We have made some additional progress within the reconciliation process itself. The Byrd Rule outlawing extraneous provisions has streamlined the process and kept reconciliation from becoming a legislative grab bag. That tends to reduce the number of votes and smooth conference discussions. The Byrd Rule also protects the rights of the minority, by keeping a simple committee majority from sticking into reconciliation some non-budget legislation that they would not be able to get a time agreement or cloture on independently.

We developed procedural points of order when it comes to allocating money among subcommittees. That heads off some amendments, and that's a plus. The new Gramm-Rudman-Hollings law also fixed spending targets and deficit goals to work toward. That's also a plus.

To sum this all up, I agree that we have some serious problems with the budget process that we need to address. We must clean up the schedule in Gramm-Rudman-Hollings. We ought to experiment with multi-year authorizations and appropriations to reduce repetitiveness. We might want to develop some procedural limits like the Byrd Rule to enforce the boundaries between authorizations and appropriations. We might require increases in the debt limit to be part of reconciliation. We might even want to combine the work of authorizing committees and appropriations subcommittees. But to clear out our legislative log-jams, we need different political leadership in the White House.

The Budget Committee may address some of these budget process issues in a hearing or hearings later this year. I look forward to working with you and the Rules Committee on your review of Senate procedures, and in particular, on any changes that affect the budget process. Once again, thank you for this opportunity to contribute to your effort.

Sincerely,

Lawton Chiles

Senator Lawton Chiles
Chairman
Committee on the Budget

Please refer to Senator Chiles' Statement before the Rules Committee on May 17, 1988, included in this Appendix. At that hearing Senator Chiles requested that his testimony be made a part of his response to the Committee questionnaire.

Senator Pete V. Domenici
Ranking Minority Member
Committee on the Budget

RESPONSES ON SENATE REORGANIZATION

Senator Pete V. Domenici

1. Jurisdictional Overlap -- There are two areas of concern with regard to jurisdictional issues. The first is jurisdictional overlap on budget process legislation. Currently, the Budget Committee shares jurisdiction over budget matters with the Governmental Affairs Committee and has had jurisdictional interactions with the Rules, Finance, and Banking Committees, as well. Jurisdictional issues arise on the referral of bills to committee and with regard to budget process reform legislation, such as the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). Jurisdiction over a number of budget process issues could, and should, appropriately be vested with the Budget Committee

   A second area of jurisdictional concern is scorekeeping for purposes of appropriation bills and other spending legislation. The Budget Committee is the traditional arbiter of scoring pursuant to the Congressional Budget Act (Sections 302(g) and 311(c)) and the Senate rules (Paragraph 1 of rule XXV (2)(A)). The Budget Committee has tried to be responsive to concerns of other committees, and especially the Appropriations Committee, on scoring matters. For example, the Budget Committee has initiated a request, jointly with OMB and the Appropriations Committees of both houses, to identify a mutually agreed upon list of mandatory programs, recognizing that the Appropriations Committees have limited control over such spending.

   To date, a number of committees have attempted to circumvent Budget Committee scorekeeping responsibilities by directly legislating scorekeeping conventions, such as spending caps, defining the on-budget, off-budget status of accounts, or expressing their intent on scoring in report language. A recent example of such language (see attached) directs CBO to hold thorough discussions with the Appropriations Committees to explain in detail scorekeeping procedures and to hold additional such discussions with them prior to "changing or altering those procedures . . . in the application of the Congressional Budget Act, the Deficit Reduction Act, or any other requirement to appropriations bills."

2. Quorum Requirements -- As with most committees, the Budget Committee has on occasion experienced difficulty in achieving a quorum (13 of 24 members) because of scheduling conflicts due to other committee and constituent duties. However, this problem is minimized because the Budget Committee generally meets intensively for one to two weeks to complete action on the annual budget resolution. Members can thus block out time on their schedules in anticipation

of marking up the Committee's one major bill for the year. Achieving a quorum is also assisted by the Committee's no proxy rule. Committee members must be present at markup sessions or their votes will not be cast.

3. Committee Assignments -- The current limitation on three Senate committee assignments seems reasonable in view of the number of Subcommittee assignments that derive therefrom. The current division between "A" and "B" committees seems balanced as does the requirement that Members may serve on no more than 2-3 subcommittees in each committee (except for Appropriations).

4. Biennial Committee Budgets -- I fully support the concept of biennial budgeting and appropriating for the Senate itself, and for the federal government overall. Last year, I, along with Senator Roth, introduced legislation (S.416, the Federal Budget Reform Act of 1987) that would have established a two-year budget and appropriations process for the federal government. An overwhelming majority of federal agencies that I surveyed this past year during our Appropriations hearings confirmed that a significant portion of their budgets are core activities that do not significantly vary from year to year. As long as a mechanism is in place for oversight and review of unexpected or special requirements, and the budget process is modified to accommodate two-year appropriations, I believe biennial budgeting would streamline and enhance the operations of the Senate. You, Mr. Chairman, have long been an advocate of this.

5. Scheduling Conflicts -- Scheduling is a difficult task even within committees, and I would encourage all efforts to alleviate scheduling conflicts. I would suggest that the Secretary's office try to coordinate the days on which the various committees are authorized to meet to minimize the number of committees meeting on the same days. With the Senate's current schedule to be in session on Mondays and Fridays at least three weeks per month, committees should be holding hearings and markups on these days rather than bunching them up on Tuesdays, Wednesdays, and Thursdays.

   It would be extremely helpful if a system could be developed that would allow committees to at least be aware of other committees' hearing schedules on an advance basis. While this would not necessarily avoid duplication, less than urgent hearings might be reconsidered if it is clear in advance that major conflicts will develop. A computer program could be developed that would quickly tell committee planners of the number of hearings scheduled and conflicts for members of their committees. The current LEGIS Daily Digest Meeting Schedule does not provide accurate or useful information for monthly or even weekly planning.

Another step that might alleviate scheduling conflicts is for the Leadership to set a weekly legislative schedule much as the House does. Committees could reschedule their hearings if the press of floor business (i.e. votes) requires.

I would also urge the Senate Leadership to continue its efforts to accommodate committee hearings on major issues, such as the Iran-Contra hearings, Supreme Court nominations, treaties, etc., by minimizing the number of votes held on the floor during those periods. In return, the Leadership should encourage committees to schedule such major hearings, whenever possible, prior to periods when the Senate normally experiences a press of legislative business.

6. Consistency of Referrals -- Even with an extensive body of precedent for the referral of legislation to committees, jurisdictional questions often arise. For example, legislation dealing with the Federal Financing Bank has often been referred to the Banking Committee, even though the bill substantively deals with the budget process. Submission of legislation to the Parliamentarian in advance of its introduction to allow review for referral may be appropriate. When questions arise about a referral, such as when there is a preponderance of jurisdiction to one committee but other committees are also affected, the Parliamentarian should consult with the committees prior to making the referral. In this way, jurisdictional questions can appropriately be identified and resolved in a manner that will not impede the Senate's legislative work.

7. Recommended Changes -- There are a number of other matters that I would recommend to your Committee's review:

- The announced schedule of three weeks in session/one week out of session will hopefully be a positive change for the Senate in that members/committees will have a firm idea of the year's schedule and will take full advantage of a five-day work week. Setting a weekly legislative schedule could also assist members/committees in scheduling hearings and markups.

- An emphasis on the completion of authorizing legislation on a multi-year basis and in a timely manner is needed. I would like to see the authorizing committees approach their legislative work with current budgetary resources in mind. Even when authorization bills are completed, they often bear little reality to existing budgetary resources and, in fact, such bills actually drive the demand for appropriations, making the budget situation more difficult.

- Under the current annual budget and appropriations process, the Senate should seek to minimize the number of hearings scheduled to avoid duplication of effort. While hearings are the information-gathering and oversight mechanism of the Congress, many of the hearings simply become a time-consuming formality and largely redundant. An emphasis on multi-year authorizations can also help streamline the legislative process. An alternative to this situation would, of course, be biennial budgeting for the federal government. Under biennial budgeting, oversight hearings would be an important and appropriate focus in the first year of the cycle, while annual budget and appropriations legislation would dominate the second year of the cycle.

- I support current efforts to enforce 15-minute roll call votes. I would suggest that votes be scheduled back-to-back whenever possible to avoid disrupting and time-consuming travel for the members, and the resulting delays in hearings and markups.

Please refer to Senator Domenici's statement before the Rules Committee on May 17, 1988, included in this Appendix. At that hearing Senator Domenici requested that his testimony be made a part of his response to the Committee questionnaire.

Excerpt from the Conference Report to accompany
H. J. Res. 395
MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 1988

Report 100-498, 100th Congress, 1st Session

p. 995

Congressional Budget Office

SALARIES AND EXPENSES

The conference agreement appropriates $17,886,000 for salaries and expenses of the Congressional Budget Office instead of $18,148,000 as proposed by the House and $18,481,000 as proposed by the Senate. The reduction reflects a proportionate share of the Legislative Branch wide reduction pursuant to the summit agreement. The conferees agree that the Congressional Budget Office should hold thorough discussions with the Committees on Appropriations to explain in detail the scorekeeping procedures which affect those committees and hold additional thorough discussions before changing or altering in any fashion those procedures or the conventions used in connection with the application of the Congressional Budget Act, the Deficit Reduction Act, or any other requirement to appropriations bills.

Senator Ernest F. Hollings
Chairman
Committee on Commerce, Science, and Transportation

Answers to Questions

I. Two Areas: The Senate Commerce Committee was originally organized to cover interstate and foreign commerce. This is still its primary charge and for years that was the name of the Committee. On foreign commerce, we are still expected to pass on policy but the penalty committee for duties and tariffs, i. e. Finance, has taken over and the tail wags the dog and we don't have any trade policy.

Second, we assumed the responsibility for the space committee, becoming the Commerce, Space, Science and Transportation Committee. However, the primary jurisdiction of the National Academy of Sciences is with Labor, Health and Human Resources. I work comfortably with Senator Kennedy but, ergo, we have no science or research policy.

II. You both know it is next to impossible to obtain and hold a quorum. The Committees are too big.

III. It varies with the Senator but the general rule of two major committees and one minor should be strictly enforced. Some around here have four major committees which means four staffs which means a lot of garbage gets out on the floor before it can be properly studied.

IV. An annual budget is appropriate and if a biennial is adopted, we will just have a bunch of supplementals. Our trouble is two-fold:

1. The President who should lead for budget discipline has led in the exact opposite direction;

2. The authorizing committee should first pass their authorization bills and then let the Budget Committee sum up in a quick overview and decision in about May or June. What happens now is the authorizing committees with expertise are bypassed and the budget process is adulterated with measures unrelated but with a time limit which gives the Senator a vote.

V. Give one committee one subject

VI. Same as #V.

VII. Go back to floor action in the morning and until 2:00 in the afternoon. Cut off at 2:00 and let the committees hold their hearings and all Senators who want to make a talk to the TV can continue while the rest of us go home for supper. At the present time, making headlines rather than headway, all publicity shenanigans take place in the morning and we don't start our work until 2:00 in the afternoon, making life in the Senate miserable. If committee hearings are in the afternoon, they don't get on the six o'clock news unless the questions are asked before 4:00 p.m. so they would be over with in short order.

Senator J. Bennett Johnston
Chairman
Committee on Energy and Natural Resources

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

Far and away the greatest area of jurisdictional overlap is the jurisdiction over nuclear power, which resides in the Energy and Natural Resources Committee and the Environment and Public Works Committee. In 1974 Congress decided that responsibility for the promotion and development of nuclear power and the responsibility for safety regulation of nuclear power should not reside within the same administrative agency. Apparently, the 1977 split of nuclear jurisdiction between the Energy and Natural Resources Committee and the Environment and Public Works Committee attempts to track this bifurcation. The Committee on Energy and Natural Resources has jurisdiction over "non-military development of nuclear energy." Environment and Public Works Committee has jurisdiction over "non-military environmental regulation and control of nuclear energy." This has generally been interpreted such that programmatic and developmental legislation is referred to the Committee on Energy and Natural Resources, while safety and regulatory legislation is referred to the Committee on Environment and Public Works.

Unfortunately, the distinction is one that is not clear enough in practice to be easily recognizable even by those who are well schooled on the nuclear issue. It is questionable whether the rationale for the administrative bifurcation still applies. To the extent this rationale is diminished at the administration level, it is reduced exponentially at the Committee jurisdictional level. The jurisdiction of non-military nuclear legislation needs, at a minimum, to be clarified if not consolidated. We have attached several items of correspondence for your review on this issue.

There are several other jurisdiction disputes between the Energy and Natural Resources Committee and the Environment and Public Works Committee. Questions on referrals of measures dealing with reclamation projects and other water projects are dealt with in the attached staff memorandum. There is also a major dispute over the referral of legislation to declare the Arctic National Wildlife Refuge to be a component of the Wilderness Protection System. We feel very strongly that this dispute is the result of a mistaken and inappropriate referral and is not a question of jurisdiction per se. Therefore, this matter is discussed in response to question 6.

There has been confusion over the referral of bills dealing with national forest lands which is discussed in the attached staff memorandum. In addition, there has been a notable inconsistency of referrals of legislation dealing both with public lands and Indians. Some are referred to the Energy and Natural Resources Committee, while others go to the Committee on Indian Affairs. These inconsistencies may be more appropriately dealt with in the answer to question 6.

Finally, there is an inarticulate division over jurisdiction between the Energy and Natural Resources Committee and the Commerce Committee relating to pipelines, particularly oil pipelines. For your review on that subject a staff memorandum is attached.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

The Committee has not had significant problems with obtaining a quorum. It has been the experience of the Committee that precise scheduling helps eliminate such problems. A smaller Committee might make it easier to obtain a quorum, but Committee size is not the primary problem.

3. How many committees do you believe a Senator could serve on effectively?

No more than three.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Our reaction is favorable so long as procedures are available for a Committee to petition the Rules Committee to adjust to unanticipated increases in workload.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

The Energy and Natural Resources Committee has not had significant scheduling conflicts with other committees. When Members have conflicts and their interest in an issue before the Energy Committee is significant, every effort is made to accommodate them through rescheduling.

The biggest conflict with regard to Senate scheduling is the occurrence of votes on the Senate floor during the morning hours. These votes are very disruptive to an orderly committee process and are particularly frustrating when they are nonsubstantive votes.

6. What action is needed to ensure consistency in referrals?

While inappropriate referrals are fortunately held to a minimum, any erroneous referral is terribly frustrating. This frustration is heightened by the fact that there is no recourse short of a motion to rerefer the bill on the Senate floor. For example, legislation on the Arctic National Wildlife Refuge was recently referred to the Committee on Environment and Public Works. The Committee on Energy and Natural Resources feels this referral to be totally without foundation. We have set forth our frustration in correspondence which we have attached for your review. Yet the improper referral stands.

The Committee would urge the creation of some sort of appeal process that is less formal and hopefully less confrontational. Such an appeal should provide for the challenge, review and rereferral of a piece of legislation. The appeal could be made either to the Chair or to a small review committee established to expeditiously hear such appeals. The Committee would not support joint or sequential referrals except by the existing practice of unanimous consent. Further, improper appeals could be avoided, and the referral process made more consistent, through clarification of the Senate Rules.

In addition, the Committee would benefit from a formal clarification of the predominance rule regarding referrals. Clarification would particularly be helpful with regards to referral of bills containing matters within the jurisdiction of the Finance Committee.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

A. The rule which requires unanimous consent for a committee to meet more than two hours after the Senate comes into session should be changed or eliminated to reflect the realities of the modern Senate. If the rule is to be retained, we would suggest "two hours after the Senate convenes or 2:00 p.m. which ever is later."

B. Consideration should be given to consolidation of some authorizing committees.

C. Sense of the Senate amendments and resolutions should require a cosponsorship of ten or more Senators for introduction.

JAMES A. McCLURE, IDAHO, CHAIRMAN

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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510

June 27, 1985

MEMORANDUM

TO: Senator Johnston

FROM: Mike Harvey

RE: Erosion of Committee Jurisdiction

On June 18, you and Senator McClure wrote to Parliamentarian Dove expressing concern about a variety of bill referrals that are inconsistent with previous referrals and appear to be significant departures from the rules of the Senate with respect to the jurisdiction of the Energy and Natural Resources Committee

On June 21, the Parliamentarian responded that he disagreed with virtually every point you raised. Adoption of his views by the Senate would result in major jurisdiction losses by our Committee.

Dove's interpretations of Rule XXV do not appear to be consistently grounded on either the language of the Rule or precedents established by previous referrals. His response simply states his views without giving any hint of his reasoning. The following is a summary of the situation in the subject areas you and Senator McClure raised.

1. Nuclear Waste: Dove's reply simply restates portions of the Rule XXV jurisdictional statements for Energy and Natural Resources and for Environment and Public Works. He gives no indication of why he has abandoned precedents for referrals from 1977 to 1982. It appears that he is placing significant reliance on the "solid waste" jurisdiction of Environment and Public Works. Among other things, nuclear waste can come in liquid form and frequently is "spent fuel" which is an important source of plutonium. Under his view it appears that any bills amending the Low-Level Radioactive Waste Act of 1980 or the Nuclear Waste Policy Act of 1982 would go to Environment and Public Works. Such an action would be inconsistent with all the precedents from the time S. Res. 4 was adopted in 1977 until 1982.

2. Coal Imports: Dove's reply to your views on the proper referral of S. 1248, Senator Byrd's "National Coal Imports

Reporting Act" is similarly unaccompanied by any rationale or reference to Rule XXV. He states that "bills dealing with imports of coal or any other commodity" lie within the Finance Committee's jurisdiction.

Rule XXV gives Finance jurisdiction over "Tariffs and import quotas, and matters related thereto." S. 1248 does not mention "tariffs or import quotas." It calls for quarterly reports by DOE on U.S. coal imports and a one-time analysis of the coal import market.

3. National Forests: Dove's reply to your point that Energy and Natural Resources has jurisdiction over national forests created from the public domain is:"I view the Forest Service to be in the jurisdiction of the Agriculture Committee". He makes no reference to Rule XXV which does not mention "the Forest Service." It does provide that "Forestry, and forest reserves and wilderness areas other than those created from the public domain" (emphasis added) are Agriculture's and "public lands and forests, including farming and grazing thereon, and mineral extraction therefrom" are Energy and Natural Resources.

I'm not sure what Dove means by "the Forest Service" but it appears that he might refer bills to the Agriculture Committee dealing with (1) grazing, recreation, or timber harvesting on public domain forests, (2) disposals of such lands and (3) mineral development on them. This problem could be greatly exacerbated by implementation of the BLM-FS interchange proposal which proposes to give Forest Service jurisdiction over more than 200 million acres of subsurface minerals!

4. Reclamation: Dove apparently believes that any mention of "flood control" (which Rule XXV assigns to Environment and Public Works) means that it "predominates" even when the bill involves a multi-purpose reclamation project dealing with "hydroelectric power, irrigation, and reclamation" which Rule XXV assigns to Energy and Natural Resources.

5. Public Lands: Dove concedes that he made an error on referrals of bills concerning memorials erected on public lands but does not respond to the other points you raised. Perhaps this indicates agreement, but I would not count on it. For example, bills conveying public domain lands into Indian trust or fee status have regularly gone to the Indian Committee.

(Copies of the McClure/Johnston letter and Dove response enclosed.)

NE L. COE
SECRETARY

ROBERT B. DOVE
PARLIAMENTARIAN
ALAN S. FRUMIN
ASSISTANT PARLIAMENTARIAN
Room S-132 Capitol
Washington, DC 20510
(202) 224-6128

United States Senate
OFFICE OF THE SECRETARY
PARLIAMENTARIAN

June 21, 1985

Dear Senator:

In response to your letter concerning the reference of various items and the reasons therefore I have researched the precedents of which I am aware and have concluded the following:

1) Nuclear Waste: The precedents available to me involving nuclear waste when I began advising on referrals were as follows: (95th Congress) S. 63--Energy & Natural Resources, S. 1340--Energy & Natural Resources, S. 2189--jointly to Governmental Affairs, Environment & Public Works, and Energy & Natural Resources, S. 2584--Environment & Public Works, S. 2804--Environment & Public Works, S. 3078--Energy & Natural Resources, S. 3146--Environment & Public Works, S. 3343--jointly to Energy & Natural Resources, Environment & Public Works, and Governmental Affairs, (96th Congress) S. 535--Commerce, Science & Transportation, S. 685--Energy & Natural Resources, S. 742--Governmental Affairs, S. 1141--Commerce, Science & Transportation, S. 1360--Environment & Public Works, S. 1443--Energy & Natural Resources, S. 1521--Environment & Public Works, S. 1821--jointly to Energy & Natural Resources, Environment & Public Works, and Governmental Affairs, S. 2189--Energy & Natural Resources, S. 2411--Governmental Affairs, S. 2443--Energy & Natural Resources, and S. 2980 Environment & Public Works.

With this background I have turned to Rule XXV and decided that bills in which nuclear energy development predominate should be referred to the Committee on Energy & Natural Resources and those dealing with solid waste disposal and environmental regulation and control of nuclear energy should be referred to Environment & Public Works.

As to the issue of bills dealing with imports of coal or any other commodity, it is my view that such bills are in the jurisdiction of the Finance committee.

I view the Forest Service to be in the jurisdiction of the Committee on Agriculture, Nutrition & Forestry, but I do feel I may have been in error on the issue of memorials and therefore in the future I shall advise the presiding officer that bills erecting memeorials on public lands should be referred to the Energy & Natural Resources commitee.

I also state that Rule XXV gives bills dealing with flood control to the Committee on Environment & Public Works.

Hoping that this may be of some help, I remain,

Very sincerely yours,

Robert B. Dove

Robert B. Dove

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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510

June 18, 1985

Mr. Robert B. Dove
Parliamentarian
S-132 Capitol
Washington, D.C. 20510

Dear Bob:

We are writing to you to clarify the jurisdiction of the Committee on Energy and Natural Resources as a result of several decisions which we feel are completely at variance with the rules and precedents of the Senate.

Most recently you have referred legislation introduced by Senator Byrd (S. 1248) to the Finance Committee although the legislation required the Secretary of Energy to submit reports on the various aspects of the domestic coal industry including production, distribution, utilization, consumption, generating capacity, and potential markets. The argument that the focus of the report is on imports and therefore must involve trade and tariffs is specious. That one possible solution to the problem could be import restrictions is irrelevant. The legislation dealt solely with a subject exclusively within the jurisdiction of this Committee and should have been referred appropriately.

Under an extension of your apparent rationale for this referral, the Committee would have no jurisdiction over bills which require studies of the importation of natural gas, petroleum, uranium, electricity, etc. To us, this would be contrary to the Committee's jurisdiction over energy matters generally.

We also believe that referrals of bills and communications regarding nuclear facilities and waste over the past several years have been erroneous. We have attached a memo prepared by Committee staff which addresses this concern in detail.

In addition, within the last month you have referred two measures (S. 1223 and S.J. Res. 143) which authorize the erection of memorials on Federal land to the Veterans Committee presumably on the basis that the object of the memorials were veterans. Under that rationale, legislation dedicating the C&O Canal National Historical Park to former Justice William O. Douglas and authorizing a memorial would have been referred to the Judiciary Committee.

Further, over the past several years there have been a series of conflicting and confusing referrals in other areas affecting the responsibilities of the Committee. Attached is a list of areas in which we have experienced major problems under our understanding of the intent of the Senate Rules and the practice of the Senate.

We understand that among your reasons for some of the referrals which we believe have been in error, may be your belief that some of the precedents of the Senate under previous Parliamentarians were erroneous (e.g. your decision on referral of eastern and western wilderness bills). Such determinations by you are wholly appropriate on a discrete and limited basis. However, when, as appears to us to be the case, you determine that long-standing precedents which affect the general jurisdiction of Committees such as ours, are to be overturned or significantly modified, we believe that determintion (or inclination) should be brought to the attention of the leadership of the Senate for consideration and disposition.

We therefore request that you review this letter and its attachments, and advise us and the leadership of the Senate, in writing: (a) on your interpretation of the Senate Rules related to the jurisdiction at the Energy and Natural Resources Committee on the issues raised; (b) on action which you will take or initiate as a result of your review; and (c) on those precedents related to the jurisdiction of the Committee on Energy and Natural Resources established subsequent to passage of S. Res. 4 in the 95th Congress but prior to your tenure as Parliamentarian, which you believe to be in error.

We do not want you to infer that we are, through this letter, criticizing you personally in your conduct as Parliamentarian. This is not our intent. However, we do believe that clarification is needed on the matters which we have raised so that both the Committee and you can conduct business in a more routine manner without constant scrutiny. We hope that you will respond expeditiously to our request.

Sincerely,

J Bennett Johnston

J. Bennett Johnston

James A. McClure

James A. McClure

cc: Hon. Robert Dole
Hon. Robert C. Byrd

Attachment 1

Spent Nuclear Fuel and High Level Waste The Committee on Energy and Natural Resources has exclusive jurisdiction over the programmatic aspects of nuclear waste policy while the Committee on Environment and Public Works has jurisdiction over regulatory and safety aspects of such policy. This was the situation in 1977 when the Joint Committee on Atomic Energy was abolished and obtained until recently. (see attached memo)

Public Lands All matters affecting the use and management of the public lands are exclusively the jurisdiction of the Committee on Energy an Natural Resources. This jurisdiction includes sole jurisdiction over the sale or other disposal of such lands regardless of who the intended recipient is or may be or the contemplated use. This applies to private relief acts as well as more general legislation permitting or proscribing use of such lands. In addition, the Committee has exclusive jurisdiction over any lands included in the National Park System. The jurisdiction also includes all federal rights to or which are attached to such lands, such as the definition, use, or disposal of reserved water rights created by the withdrawal of public lands regardless of the use or potential beneficiary of such rights.

National Forests The Committee on Energy and Natural Resources has exclusive jurisdiction over the national forests created from the public domain (approximately 160 million acres located mainly west of the 100th meridian) while the Agriculture Committee has exclusive jurisdiction over national forests created from acquired lands (approximately 27 million acres located in the East). Measures of a general nature affecting both public domain and acquired National Forest lands (including general management legislation) should be referred to the Energy Committee based on a preponderance test.

Reclamation All measures dealing with hydroelectric power, irrigation, and reclamation are solely the jurisdiction of the Committee on Energy and Natural Resources. Legislation dealing with or affecting a reclamation project or a project's authorized purposes are exclusively the jurisdiction of the Energy Committee. In this respect, measures such as S. 574 which authorizes a study of the flood control potential of the irrigation impoundments of a reclamation project falls within the Energy Committee's jurisdiction because it addresses: 1) flood control use of a reclamation project (an authorized use); 2) irrigation (specified in Rule XXV), and 3) a reclamation project.

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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510

June 19, 1985

MEMORANDUM

TO: Senator Johnston

FROM: Ben Cooper and Mike Harvey

RE: Jurisdiction over the Nuclear Waste Program in the Senate

Under Rule XXV of the Senate the Committee on Energy and Natural Resources has jurisdiction over "nonmilitary development of nuclear energy", and the Committee on Environment and Public Works has jurisdiction over "nonmilitary environmental regulation and control of nuclear energy". These Committee responsibilities were acquired in 1977 when the Joint Committee on Atomic Energy was abolished and its jurisdiction transferred to other Senate Committees.

The legislative history of the 1977 Resolution, (S. Res 4, 95th Congress) establishing the new Committees, is silent on the jurisdiction of specific nonmilitary nuclear programs. However, the referral of bills in the remainder of the 95th Congress and in the 96th and 97th Congresses indicates that unless modified by unanimous consent, the rule for referral was that matters involving the regulatory and safety aspects of nuclear waste policy were referred to the Committee on Environment and Public Works, while programmatic matters were referred to the Committee on Energy and Natural Resources.

For example, S. 63, Senator Mathias' bill "to provide for a program of nuclear waste management", was introduced on January 10, 1977, and referred to the Joint Committee on Atomic Energy. S. Res 4 passed the Senate on February 4, 1977. On February 10, 1977, S. 63 was "rereferred, pursuant to S. Res 4," to the Committee on Energy and Natural Resources.

On May 25, 1977, Senator Hart introduced S. 3146, a bill to "expand the jurisdiction of the Nuclear Regulatory Commission over nuclear waste storage and disposal facilities". This bill was referred to the Committee on Environment and Public Works.

In the 96th Congress, this pattern continued. For example, S. 685 and S. 2189, bills to establish a program for Federal storage of spent fuel from nuclear power plants and disposition of nuclear waste, were referred to the Committee on Energy and

Natural Resources. S. 685 contained several titles, one of which would have reformed the NRC process for licensing nuclear power plants. However, the nuclear waste-related provisions "predominated" and the bill came to our Committee. S. 1521, a bill to expand licensing and related regulatory authority of the NRC over storage and disposal facilities for nuclear waste, was referred to the Senate Committee on Environment and Public Works.

In the 97th Congress, the Nuclear Waste Policy Act on 1982 was enacted. In the Senate, two bills were introduced on the subject of nuclear waste policy: S. 637, which was referred to the Committee on Energy and Natural Resources and S. 1662, which was referred by unanimous consent to the Committees on Energy and Natural Resources, Environment and Public Works, and Armed Services.

Since the enactment of the NWPA, matters relating to that legislation have been referred in the Senate in a confusing pattern that is inconsistent with the precedents established after passage of S. Res 4. Recent examples are as follows:

- May 16, 1985, S. 1162, a bill to amend the Nuclear Waste Policy Act of 1982 to require the Secretary of Energy to incorporate transportation impacts into the selection process for repositories of high-level radioactive wastes, referred to the Committee on Environment and Public Works. This should have been referred to the Committee on Energy and Natural Resources.

- May 7, 1985, executive communication transmitting legislation proposed by the secretary of Energy entitled the "Nuclear Facility Standardization Act of 1985", (EC-95) referred to the Committee on Energy and Natural Resources. This should have been referred to the Committee on Environment and Public Works.

- January 7, 1985, "Implementation Plan for Deployment of Federal Interim Storage Facilities for Commercial Spent Fuel", (EC-304), referred to the Committee on Environment and Public Works. This should have been referred to the Committee on Energy and Natural Resources.

- March 12, 1984, Annual report of the Office of Civilian Radioactive Waste Management, (EC-2833), referred to the Committee on Environment and Public Works. This should have been referred to the Committee on Energy and Natural Resources.

- January 6, 1984, "Initial Implementation Plan for Deployment of Federal Interim Facilities for Commercial Spent Nuclear Fuel", (EC-2458), referred to the Committee on

Environment and Public Works. This should have been referred to the Committee on Energy and Natural Resources.

- September 26, 1984, a report on the status of negotiations of Consultation and Cooperation Agreements with States and affected Indian tribes, (RX-440), referred to the Committee on Energy and Natural Resources. This referral was correct.

- July 27, 1984, a notice of a delay in preparing the required comprehensive Mission Plan, (EC-3601), referred to the Committee on Environment and Public Works. This should have been referred to the Committee on Energy and Natural Resources.

- April 19, 1984, plans to locate a Test and Evaluation Facility at the site of a repository, (RX-355), referred to the Committee on Energy and Natural Resources. This referral was correct.

- February 27, 1984, letter concerning a "report on alternative approaches to managing the construction and operation of all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purposes", (RX-325), referred jointly to the Committees on Environment and Public Works and Energy and Natural Resources.

JAMES A. McCLURE, IDAHO, CHAIRMAN

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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510

January 2, 1986

Mr. Robert B. Dove
Parliamentarian
S-132 Capitol
Washington, D.C. 20510

Dear Mr. Dove:

On December 5, 1985, S. Res. 265 was submitted by Senator Dixon and referred to the Committee on Commerce, Science, and Transportation. Your decision to refer the resolution to that committee, rather than the Committee on Energy and Natural Resources, was in error.

Your decision was erroneous for two reasons: the subject matter of the resolution, transportation of natural gas by interstate natural gas pipelines on a nondiscriminatory basis, is not included within the jurisdiction of the Commerce Committee as prescribed in the Standing Rules of the Senate, and the referral is contrary to long-standing precedent for referral of natural gas transportation and distribution issues to the Energy Committee.

Under Rule XXV, the Commerce Committee has jurisdiction over regulation of interstate common carriers, including pipelines. However, interstate natural gas pipelines are not common carriers. They transport gas pursuant to contracts with distributors and other buyers. The transported gas is owned by either the pipeline or a buyer that contracts for transportation service. A recurring issue has been whether to impose "mandatory contract carriage" on pipelines, not mandatory common carriage.

Moreover, under Rule XXV, the Energy Committee has jurisdiction over "energy regulation" and "oil and gas production and distribution." This includes the regulatory activities of the Federal Energy Regulatory Commission, which regulates the interstate transportation of natural gas by pipelines.

There is well-established precedent for the referral of natural gas transportation matters to the Energy Committee. Examples are the Administration's comprehensive natural gas bill,

S. 615, introduced in February, 1983; S. 1715, reported by the Energy Committee in July, 1983; S. 834, a bill "to increase competition in the transportation of natural gas," introduced by Senator Bradley on April 2, 1985; and, most recently, S. Res. 255, introduced by Senator Nickles on November 7, 1985, which urges that changes be made in the transportation of natural gas through modifications in FERC regulations and pipeline transportation practices.

In light of the clear precedent for a referral of S. Res. 265 to the Energy Committee, your referral decision is particularly disturbing and causes us considerable displeasure. Accordingly, we would strongly urge you to take the actions necessary to accomplish a re-referral of the resolution to the Energy Committee.

Because the erroneous initial referral, in our judgment, is only the latest in a troublesome series of questionable referrals not experienced before your tenure as Parliamentarian, we also request that you consult with the Chief Counsel of the Committee, and with the Chief Counsel for the Minority, to obtain a better understanding of our view of the jurisdiction of the Committee.

Sincerely yours,

Bennett Johnston
J. Bennett Johnston
Ranking Minority Member

James A. McClure
James A. McClure
Chairman

Pete V. Domenici

Frank H. Murkowski

John Melcher

Wendell Ford

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John Warner

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Don Nickles

Dale Bumpers

Daniel J Evans

J. JAMES EXON
NEBRASKA

330 Senate Hart Building
Washington, DC 20510

287 Federal Building
Lincoln, NE 68508

8305 Federal Building
Omaha, NE 68102

275 Federal Building
North Platte, NE 69101

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
BUDGET

Ben Cooper
SH-312

April 27, 1987

The Honorable Wendell H. Ford, Chairman
Subcommittee on Energy Research
and Development
United States Senate
Washington, D.C. 20510

Dear Wendell:

I have heard that the Subcommittee on Energy Research and Development has scheduled a May hearing on the safety aspect of special nuclear materials.

As you know, these materials are directly related to nuclear weapons which are subject to the authorization of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, which I chair. This Subcommittee intends to address special nuclear materials, our entire nuclear weapons production infrastructure, and the requirement for a New Production Reactor later this year. There are clearly serious problems in maintaining an adequate production and support base in the years ahead and I intend to address this matter in a comprehensive and coherent manner.

If I can accommodate the concerns that you or any of the members of your Subcommittee have with regard to special nuclear materials or any aspect of our nuclear production and support base, I would be pleased to do so during the Subcommittee on Strategic Forces and Nuclear Deterrence proceedings on these issues.

I look forward to working with you and the Energy Research and Development Subcommittee in those areas in which we have a common interest.

With warm regards.

Sincerely,

J. James Exon
United States Senator

P.S. This is a nice way of saying your staff is out of their area of responsibility!

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN

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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

November 13, 1987

The Honorable Robert C. Byrd
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Robert:

We are writing to express our amazement and deep concern over the recent referral of S. 1804 to the Committee on Environment and Public Works.

S. 1804 would designate a portion of the Arctic National Wildlife Refuge as a component of the National Wilderness Preservation System. Referral to the Committee on Environment and Public Works is not consistent with the express provisions of Senate Rule XXV establishing the jurisdiction of the Committee on Energy and Natural Resources, nor is it consistent with previous referrals.

As far as we can determine, every bill that has ever been introduced designating all or a portion of a unit of the National Wildlife Refuge System as wilderness has been referred to the Energy and Natural Resources Committee or to its predecessor, the Committee on Interior and Insular Affairs. Thus, we were dumfounded by the referral of S. 1804.

The following background information will explain our view that the referral is clearly erroneous and that S. 1804 should be referred to our Committee.

The National Wilderness Preservation System was created by the Wilderness Act of 1964. All the bills leading up to enactment of that Act were considered by the Committee on Interior and Insular Affairs. There was no reference to "wilderness" in the Senate Rules regarding Committee jurisdiction.

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN
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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510

November 18, 1987

The Honorable Robert Dole
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Bob:

We are writing to express our amazement and deep concern over the recent referral of S. 1804 to the Committee on Environment and Public Works.

S. 1804 would designate a portion of the Arctic National Wildlife Refuge as a component of the National Wilderness Preservation System. Referral to the Committee on Environment and Public Works is not consistent with the express provisions of Senate Rule XXV establishing the jurisdiction of the Committee on Energy and Natural Resources, nor is it consistent with previous referrals.

As far as we can determine, every bill that has ever been introduced designating all or a portion of a unit of the National Wildlife Refuge System as wilderness has been referred to the Energy and Natural Resources Committee or to its predecessor, the Committee on Interior and Insular Affairs. Thus, we were dumfounded by the referral of S. 1804.

The following background information will explain our view that the referral is clearly erroneous and that S. 1804 should be referred to our Committee.

The National Wilderness Preservation System was created by the Wilderness Act of 1964. All the bills leading up to enactment of that Act were considered by the Committee on Interior and Insular Affairs. There was no reference to "wilderness" in the Senate Rules regarding Committee jurisdiction.

One provision of the 1964 Act directed the Secretary of the Interior to review "every roadless area of five thousand contiguous acres or more in the national parks...and every such area of, and every roadless island within, the national wildlife refuges and game ranges..." and "report to the President his recommendation as to suitability or nonsuitability of each such area or island for preservation as wilderness." New areas can be added to the system only by an Act of Congress (16 U.S.C. 1132(c)). The Act also provides that "The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for...administration of the National Wilderness Preservation System as a separate unit...." (16 U.S.C. 1131(b))

As the review of roadless areas within wildlife refuges and game ranges (all units of the National Wildlife Refuge System) proceeded, numerous bills designating areas as part of the National Wilderness Preservation System were considered by Congress. All of them were referred to the Committee on Interior and Insular Affairs including, for example, over 40 bills in the 94th Congress each designating wilderness in a different wildlife refuge.

When the Temporary Select Committee to Study the Senate Committee System considered Committee reorganization in 1976, it proposed the creation of the Energy and Natural Resources Committee, and that it have jurisdiction over "wilderness areas." The Select Committee cited the source of the proposed new Committee's jurisdiction over wilderness areas (both designation and management) as "Defacto subjects from current bill referral practices." (S. Rep. No. 94-1395 at 51)

When the Rules Committee reported S. Res. 4 in January 1977, it retained the recommendation of the Select Committee that "wilderness areas" be under the jurisdiction of the Committee on Energy and Natural Resources. The Rules Committee did however, modify the Select Committee's recommendation with respect to wilderness by adding to the Agriculture, Nutrition, and Forestry Committee's jurisdiction "wilderness areas other than those created from the public domain." No reference to wilderness was added to the jurisdictional statement of the Committee on Environment and Public Works.

Prior to adoption of S. Res. 4, jurisdiction over "fisheries and wildlife" was in the Committee on Commerce. S. Res. 4 adopted the Select Committee's recommendation that "fisheries and wildlife" be moved to the Committe on Environment and Public Works. Before S. Res. 4, no wilderness bill was referred to the Commerce Committee. After S. Res. 4, no wilderness bill was referred to the Committee on Environment and Public Works. During that time, almost 80 wilderness area designations were enacted for over 60 refuges.

In sum, the referral of S. 1804 is the first and only time since the National Wilderness Preservation System was established more than 23 years ago, that a wilderness bill has been referred to the Committee with jurisdiction over "fisheries and wildlife." The referral is wrong, should be corrected and not repeated. We would appreciate your advice on how to prevent repetition of this mistake.

Sincerely,

Jim McClure

James A. McClure
Ranking Minority
Member

J. Bennett Johnston
Chairman

cc: Alan Frumin, Parliamentarian
Sen. Burdick, Sen. Stafford, Sen. Mitchell, Sen. Chafee

Not Sent

November 20, 1987

MEMORANDUM

TO: Alan Frumin

FROM: Mike Harvey

RE: Bill Referral

Enclosed are copies of H.R. 2839 and S. 1687, both which intend to correct historical & geographical oversights in the establishment & development of the Utah component of the Conferederated Tribes of the Goshute Reservation and for other puposes. Please explain why S. 1687 was referrred to the Committee on Energy and Natural Resources and H.R. 2839, an identical bill, was referred to the Select Committee on Indian Affairs.

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN

DALE BUMPERS, ARKANSAS
WENDELL H. FORD, KENTUCKY
HOWARD M. METZENBAUM, OHIO
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MALCOLM WALLOP, WYOMING
FRANK H. MURKOWSKI, ALASKA
DON NICKLES, OKLAHOMA
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DANIEL J. EVANS, WASHINGTON

DARYL H. OWEN, STAFF DIRECTOR
D. MICHAEL HARVEY, CHIEF COUNSEL
FRANK M. CUSHING, STAFF DIRECTOR FOR THE MINORITY
GARY G. ELLSWORTH, CHIEF COUNSEL FOR THE MINORITY

United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

March 25, 1988

MEMORANDUM

TO: Mike Harvey
Daryl Owen

FR: Joel Saltzman JS

RE: Split Jurisdiction of Energy and Natural Resources Committee and Commerce, Science and Transportation Committee Concerning Pipeline Issues.

Rule XXV of the Standing Rules of the Senate lists the issue areas within each committee's jurisdiction. The Committee on Energy and Natural Resources (E&NR) and the Committee on Commerce, Science and Transportation (C,S&T) possess overlapping responsibilities in several areas. For example, C,S&T, is empowered to examine "interstate commerce"; "regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation"; and "transportation and commerce aspects of Outer Continental Shelf lands". (Rule XXV(f)(1) 6, 14 and 19).

Yet E&NR has jurisdiction over the following issues that encompass similar subject matter as that listed above for C,S&T: "energy regulation"; "extraction of minerals from oceans and Outer Continental Shelf lands"; and "oil and gas production and distribution". (Rule XXV(g)(1) 3, 6, and 13). (Note: "minerals" as defined in the OCS Lands Act includes oil and gas.)

As a result, bills introduced that cover the above subject matter can be referred to either committee under the Rules. For example, a hypothetical bill concerning rate issues for pipelines transporting natural gas from the OCS would have characteristics worthy of referral to either committee. First, the activity is in interstate commerce. Further, it involves regulation of a common carrier. Section 5 of the OCS Lands Act confers that status and obligation despite the fact that OCS pipelines must also receive section 7(c) Natural Gas Act authorization from FERC. As such, at first examination by the Senate Parliamentarian, the hypothetical pipeline bill would come within the ambit of numbers 6, 14, and 19 of C,S&t's subject matter jurisdiction.

But the subject matter of that bill would also be directly on point with numbers 3, 6, and 13 of E&NR's jurisdiction. Hence, the Parliamentarian could legitimately decide to refer the bill to either committee, or to both. Yet, E&NR staff would possess more expertise in the pipeline ratemaking area, and thus would be better equipped to analyze the impact of the hypothetical bill and address the issues presented. Similarly, C,S&T staff would be better equipped to analyze gas pipeline safety issues.

In a survey of 50 bills and resolutions introduced since the 95th Congress involving oil and gas pipelines, a distinct pattern emerges. First, one must exclude the bills referred to Judiciary, Finance, and Environment because they address criminal destruction of pipelines; repeal of natural gas price regulation along with the windfall profits tax; and environmental degradation from pipeline spills, respectively. Prior to S. 2028, an oil pipeline rate deregulation bill introduced February 2, 1988, by Senator Breaux, the subject matter for C,S&T had been in the area of natural gas and liquid pipeline safety. Statutes in that area are administered by the Department of Transportation, over which C,S&T has oversight responsibilities.

In contrast, E&NR was referred all other gas and oil pipeline matters other that a resolution concerning open access gas transportation introduced by Senator Dixon in 1985, and Senator Kerry's S. 2722, introduced in 1986 . The latter bill sought to waive the Congressional review period under the Mineral Leasing Act for a gas pipeline crossing Corps of Engineers lands. A bill with similar subject matter, S. 2736, was introduced by Senator Kerry four days later and was referred to E&NR. One could speculate that the first bill was redrafted or reintroduced for assured referral to E&NR.

The above analysis leads to the conclusion that jurisdictions under the rules may need to be refined to prevent referrals to one committee when another would possess much more depth of expertise in certain subject matter. A compilation of the abstracts of pipeline bills since the 95th Congress is attached for use in support of any petition to the Rules Committee for refinement of subject matter jurisdiction for E&NR and C,S&T.

Attachments

ROBERT T. STAFFORD
VERMONT

WASHINGTON OFFICE:
133 HART SENATE OFFICE BUILDING
TEL: (202) 224-5141

VERMONT OFFICES:
27 SOUTH MAIN STREET
RUTLAND, TEL: 775-5446

1 MAIN STREET
CHAMPLAIN MILL #45 (4TH FLOOR)
WINOOSKI, TEL: 951-6707

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
ENVIRONMENT AND PUBLIC WORKS, RANKING
LABOR AND HUMAN RESOURCES
EDUCATION SUBCOMMITTEE, RANKING
VETERANS' AFFAIRS

NEAL J. HOUSTON
ADMINISTRATIVE ASSISTANT

Senator Robert T. Stafford
Ranking Minority Member
Committee on Environment and Public Works

March 14, 1988

The Honorable Wendell Ford
Chairman
Committee on Rules and Administration
United States Senate
Washington, D. C.

Dear Wendell:

Responding to your letter of March 1st, let me offer the following brief but heartfelt suggestions with respect to the operations of the Senate.

First of all, I believe that at least two of the three opportunities for filibuster should be eliminated -- specifically, the opportunity to filibuster on a motion to take up, and the opportunity to filibuster by endless amendments following a cloture vote.

Secondly, I believe the Senate should adopt a rule of germaneness.

I realize that none of these suggestions are likely to occur, but unless they do the Senate will continue to lose some of its best members like Lawton Chiles and Dan Evans out of a sense of frustration at the way the Senate is currently acting.

I am sending this same letter to Ted Stevens.

Sincerely yours,

Robert T. Stafford
United States Senator

RTS:jwa

Senator Lloyd Bentsen
Chairman
Committee on Finance

Please refer to Senator Bentsen's statement before the Rules Committee on May 17, 1988, included in this Appendix. At that hearing Senator Bentsen requested that his testimony be considered as his response to the Committee questionnaire.

Senator Bob Packwood
Ranking Minority Member
Committee on Finance

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

Some overlapping areas of jurisdiction probably cannot be avoided no matter how the Senate committee structure is organized. Some improvement is possible if committee jurisdictions (under Rule XXV) were spelled out in greater detail. Revenue measures must, in all cases, be referred to the Finance Committee. The Constitution requires that all such bills originate in the House and, historically, Finance has been the Senate "gatekeeper." The System cannot tolerate allowing other Senate committees to originate revenue raisers inthe guise of "user fees" or whatever other device they want. Also, I would strongly suggest that an almost irrevocable and binding rule prohibiting legislation on appropriations bills be adopted.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

There is less difficulty in obtaining a quorum in the Finance Committee than in other committees on which I now serve, or have served on in the past. The size of any committee, however, is a major problem in obtaining a quorum for that committee.

3. How many committees do you believe a Senator could serve on effectively?

Senators should serve on only one major committee. Committee sizes should be dramatically reduced.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

It is a good idea.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

1. If all Senators serve on only one committee, you would have no committee scheduling conflicts.
2. If all Senators served on only one committee, you could probably arrange a schedule that had the Senate in session Mondays, Wednesdays, and Fridays and the committees meeting Tuesdays and Thursdays, or vice versa. Or you could have committees meeting in the morning and the Senate starting at 1:00 p.m., or something like that.

6. **What action is needed to ensure consistency in referrals?**

Possible suggestions include:

a. Spell out in more detail the jurisdictions of committees in Rule XXV.

b. De-politicize the Parliamentarian's office, possibly by not allowing any one person to fire the Parliamentarian and requiring a super-majority to overturn parliamentary rulings.

c. Require that there be a delay between when a bill is introduced and when it is referred (now they both occur on the same day) in order to give interested committees an opportunity to argue for referral.

7. **What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?**

Enforce a strict prohibition against legislating on appropriation bills. The definition of "legislation" would have to be tight and a super-majority should be required to waive or overturn this rule.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator Claiborne Pell
Chairman
Committee on Foreign Relations

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

See attached.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

Almost every executive meeting starts 1/2 hr. late. Large size of Committee is a real problem.

QUESTION ONE

Over the years, the Committee has considered legislation in the following areas which overlapped with other committees' jurisdiction:

-- international economic policies (Banking)

-- international science, technology, communications and oceans (Commerce)

-- international aspects of ocean mining (Energy)

-- international environmental issues (Environment)

-- nuclear export policies (Governmental Affairs)

-- refugees and diplomatic relations (Judiciary)

In addition to the above, legislation on various issues of mutual concern to the Committees on Foreign Relations, Intelligence and Armed Services has been introduced. However, much of the difficulty caused by these overlapping interests has been substantially reduced or eliminated through sequential referrals and staff consultations.

3. How many committees do you believe a Senator could serve on effectively?

One

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Positive

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

Fewer members on committee. Eliminate need to get unanimous consent for committees to meet longer than 2 hours after Senate convenes.

6. What action is needed to ensure consistency in referrals?

Continuity of parliamentarian

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

Move towards House rules. Eliminate or vastly reduce right of individual to prolonged discussion (filibuster). Merge Authorization and Appropriations Committees along lines of Senator Kassebaum's bill.

CLAIBORNE PELL

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator John Glenn
Chairman
Committee on Governmental Affairs

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

Governmental Affairs has the responsibility for studying the efficiency, economy and effectiveness of all agencies and departments of the government. Waste, fraud and abuse have been frequent targets of Committee activities through the years. This investigative power overlaps the oversight responsibilities of various authorizing Committees, but there have been few jurisdictional difficulties during the long history of Governmental Affairs investigations of executive branch activities. The Committee also shares jurisdiction over nuclear proliferation matters with the Foreign Relations Committee, but this, again, has posed no problems in practice. Finally, in accordance with a 1977 agreement, the Committee

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

The main problem in obtaining quorums is the competing demands of other Committees to which a Member may belong. Governmental Affairs has had little difficulty during the past year, however, in obtaining needed quorums. Our only problem stemmed from the fact that 5 out of 14 Members were also members of the Select Committee investigating the Iran/Contra affair.

1. (cont'd) shares legislative jurisdiction over the Congressional Budget procedures with the Budget Committee. Again, there has been no difficulty with this overlap.

3. How many committees do you believe a Senator could serve on effectively?

Two.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Good idea. However, I would recommend that the Rules Committee allow funds which may be excess in the first year to be carried over into the second, and that provision be made for supplemental requests.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

No suggestions.

6. What action is needed to ensure consistency in referrals?

Consideration should be given to producing a manual with an annual or biennial update providing important parliamentarian decisions on referrals that may be used as precedents for the future.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

Reduce the number of committees by combining authorization and appropriation committees, and, because this concentrates power, place a limit on the number of years a Senator may serve on any given committee.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

WILLIAM V. ROTH, JR.
DELAWARE

104 HART SENATE OFFICE BUILDING
TELEPHONE: 202-224-2441

Senator William V. Roth, Jr.
Ranking Minority Member
Committee on Governmental Affairs
United States Senate
WASHINGTON, DC 20510

COMMITTEES:
GOVERNMENTAL AFFAIRS
FINANCE
JOINT ECONOMIC COMMITTEE
SELECT COMMITTEE ON INTELLIGENCE

May 31, 1988

The Honorable Wendell H. Ford
Chairman
Committee on Rules and Administration
United States Senate
311 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Ted Stevens
Ranking Minority Member
Committee on Rules and Administration
United States Senate
479 Russell Senate Office Building
Washington, D.C. 20510

Dear Wendell and Ted:

Thank you for your letter of March 1, 1988, and the opportunity to contribute to your Committee's comprehensive review of the Senate's operation.

As the Chairman of the Committee on Governmental Affairs between 1980 and 1986, and currently its Ranking Member, I believe that some changes in the legislative process could fundamentally benefit the operation of the Senate and the ability of the Congress to perform its mission. I hope that my responses will be helpful to you in formulating your recommendations.

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what differences or confusion has occurred as a result?

The jurisdiction of the Governmental Affairs Committee to some degree overlaps that of all other committees in the Senate. This overlap is desirable because it enables one entity to oversee the Federal government as a whole. Secondly, there is merit in having the Committee take an objective look at operations independent of the authorizing and appropriation committees of jurisdiction.

There have been some difficulties regarding legislative jurisdiction, however. In the area of the civil service, some authorizing committees have felt it within their jurisdiction to consider legislation affecting Federal civilian employees working in agencies within their jurisdiction. Civil Service matters are the sole jurisdiction of this Committee and this has caused conflicts on more than one ocassion. It is vitally important that each civil servant be treated equally across government agencies. Thus it is important that the Committee maintain jurisdiction over the entire civil service.

In accordance with a 1977 standing order, the Governmental Affairs Committee and the Budget Committee share jurisdiction on most issues involving the budget process. This standing order, however, does not apply to legislation amending the Gramm-Rudman law, which is solely referred to the Governmental Affairs Committee. I believe this is appropriate. It may be difficult to have meaningful reform of the budget process with joint committee jurisdiction.

2. What problems have been encountered in obtaining a quorum for a committee hearing? Is the size of the committee the primary problem in obtaining a quorum?

For some years, the Committee periodically has had trouble convening a quorum. I do not believe size is the principle difficulty, however. Competing activities, such as other committee and subcommittee meetings, Senate floor action, and the other official demands on the time of a Senator are the principle reasons for difficulty in obtaining a quorum. I would recommend that the Senate return to a schedule where committee business is conducted in the morning and Senate business is conducted in the afternoon. This division would certainly create much less overlap and schedule conflict.

3. How many committees do you believe a Senator could serve on effectively?

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Creation of a biennial budget for committees of the Senate is an excellent idea. I have long supported the creation of a biennial budget process for both the Executive Branch agencies and the Congress. The advantages of instituting a two-year budget process in the Executive Branch are attainable as well in the Legislative Branch. A two year process would provide committees more time to devote to matters other than those relating to the budget and enable the Rules Committee more time to consider issues such as this comprehensive review of committee structure. It would provide more stability for recipients of funds and streamline the process by doing away with the repetitive votes on committee funding.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

In an effort to avoid conflicts between committee meetings and the Senate, I suggest that a permanent schedule be instituted whereby the committees meet in the morning and the Senate conducts its business in the afternoon. This will help ensure there are no conflicts between committee meetings and the Senate.

6. What action is needed to ensure consistency in referrals?

7. What changes in the Senate rules, administration, and/or jurisdiction would contribute most to improvements in the effectiveness of the Senate?

A change in the budget process could fundamentally improve the effectiveness of the Senate. With the budget resolution, authorizations, appropriations, reconciliation, the debt limit, and Gramm-Rudman-Hollings, we are forced to debate the same decision over and over again within the same year. This complex, repetitive, time-consuming process makes action on the budget very difficult, inefficient and at times, very frustrating. A biennial budget process would help to steamline the process. It will not help us avoid the hard decisions; that is what we are here to do. But at least once we make a decision, we would be confident that we have settled the issue and would be able to move on to the next item of business.

Sincerely,

Bill

William V. Roth, Jr.
United States Senator

Senator Strom Thurmond
Ranking Minority Member
Committee on the Judiciary

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

   There has been some overlap regarding ethics matters with Governmental Affairs. Some judicial matters relating to military courts have overlapped with Armed Services. I also note that some drug testing issues have been scattered throughout several committees (eg. Veterans Affairs, Commerce). Depending on the philosophy of the Committee that gets jurisdiction, the approach to resolution of these issues is often varied.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

   The Judiciary Committee has been able to get a quorum for the majority of its meetings this year. I do not believe that the size of the Committee has been a primary problem in obtaining a quorum. With the larger Committees (i.e. Armed Services), there has been some problem getting a quorum.

   Additionally, most Committee meetings seldom start on time. I believe Senators should be prompt so that those on time do not have to waste time waiting for the meeting to begin.

3. How many committees do you believe a Senator could serve on effectively?

2 major, 1 minor

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

I believe that this would be acceptable. It would save time which could be used for legislative matters.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

More communication between the Chairmen and Ranking Members of the various committees would help. As much advance notice as possible from the floor would help as well.

6. What action is needed to ensure consistency in referrals?

I believe that the Parliamentarian should be aware of the past decisions regarding similar items of legislation. It is important that the Parliamentarian know what a bill would do before making a referral. Additionally, once a referral is made, there should be some willingness to agree to referrals to other committees if that committee has some relevant interest in the bill.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

Generally, more communication between Committee leadership and between Floor leadership and Committee leadership will lead to more efficient uses and less wasting of time.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator Orrin G. Hatch
Ranking Minority Member
Committee on Labor and Human Resources

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

There are areas of our committee that do overlap with other committees, principally the Finance Committee. In areas of health insurance, health policy, railroad retirement, pensions, and food policy, there is an overlap in jurisdiction. In such instances there have been occasions where there has been confusion over which is the appropriate committee to which legislation should be referred, causing delays in the consideration of legislation.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

There are always problems in obtaining a quorum for committee meetings. The size of the committee is not the problem; in fact, if the committee were smaller, it might be more difficult to obtain a quorum. The problem in the Labor Committee is two fold: First, many of the Senators on this committee are extremely busy on other issues before the Senate; second, interest in the subject matter of the legislation we are required to consider on this committee is not always sufficient to draw a quorum.

3. How many committees do you believe a Senator could serve on effectively?

It is our opinion you could serve on 3 "A" committees and 2 "B" committees.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

This proposal could be a valuable time saver.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

The easiest way to reconcile some of the problems is for the various committee chairmen to sit down and work out days for committee mark-ups, be it one day a week or "every other Tuesday" or something of that nature.

6. What action is needed to ensure consistency in referrals?

The policy which we have always followed prior to the introduction of legislation is to check with the parliamentarian; and, if we feel that existing precedent would warrant referral to our committee, we have made that fact very clear. In most instances, we have been able to reconcile any confusion that might exist.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

I think there are three. First, it would be helpful to reconcile the reality of conflicting executive sessions. Second, it would be helpful, as previously revealed during consideration of S. 79, that there be a better understanding about the way the committee conducts its business after a piece of legislation has been reported. Finally, I think the business of the committee is always enhanced when there is cooperation between the majority and minority concerning scheduling, topic selection, and the order of business. On the Labor Committee, that sort of cooperation has too often been non-existent.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator Alan Cranston
Chairman
Committee on Veterans' Affairs

Feb. 2, 1988

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

Some aspects of the current GI Bill programs of educational assistance for the All-Volunteer Force and the Selected Reserve and legislation (e.g., S. 11) relating to review of final decisions of the Administrator of Veterans' Affairs have resulted in sequential referrals to the Armed Services and Judiciary Committees, respectively. Of course, as is the case with all other authorizing Committees, we have substantial overlap in programmatic content with the Governmental Affairs, Budget, and Appropriations Committees. Due to effective staff interrelationships, these overlaps do not present significant problems.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

We don't schedule many markups and generally get a quorum within 30 to 45 minutes.

3. How many committees do you believe a Senator could serve on effectively?

3 or 4.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

If adequate provision was made for inflation and salary COLA and for subsequent adjustments for unforeseen contingencies, biennial budgets for committees could probably be made workable. However, the contribution to Senate effectiveness and efficiency would seem to be small.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

Establish a centralized computer schedule to which each Committee could gain access.

6. **What action is needed to ensure consistency in referrals?**

Permit the Parliamentarian to hold a bill overnight to permit better research and more consultation.

7. **What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?**

1. Connecting all Senate offices' computer systems with each other and with House offices. If total access to House offices is not feasible, connecting House and Senate committees with common jurisdiction and with each other's legislative counsels would be enormously valuable. However, whatever computer systems are utilized must provide the capacity to handle the volume of mail received by large states.
2. Installing efficient, reliable telephone instruments and systems would be very helpful.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator Frank H. Murkowski
Ranking Minority Member
Committee on Veterans' Affairs

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

Some aspects of legislation have resulted in referrals to other Committees (i.e., Armed Services and Judiciary Committees). As is the case with all other authorizing Committees, we have substantial overlap in programmatic content with Governmental Affairs, Budget and Appropriations Committees. Significant problems are not evident due to effective staff interrelationships.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

The Senate Veterans Affairs Committee does not schedule many markups. We usually get a quorum within 30 to 45 minutes.

3. How many committees do you believe a Senator could serve on effectively?

Three or four.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Biennial budgets for Committees could probably work if adequate provisions were made for inflation and salary COLA's as well as adjustment for unforeseen circumstances.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

A centralized computer system with access available to each Committee.

6. What action is needed to ensure consistency in referrals?

Careful analysis of legislation by parliamentarian. Tighter rules to close loopholes which are used by legislative draftees to circumvent referral process.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

Connect all computer systems within the Senate and the House.

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator Howell Heflin
Chairman
Select Committee on Ethics

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

The Ethics Committee exercises jurisdiction over the use of the frank, but the Rules Committee has adopted regulations which (a) greatly restrict the use of the frank for the return of questionnaires on public policy issues, and (b) prohibit the use of the frank for all mass mailings within 60 days of a general election -- even if the Senator is not a candidate in the election.

Both Committees exercise some authority over the use of Senate facilities for personal or political purposes.

Generally, the Ethics Committee staff works closely with Rules Committee staff to insure that Ethics Committee Interpretative Rulings and Rules Committee Regulations are both given effect.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

Conflicts -- Size is no problem.

3. How many committees do you believe a Senator could serve on effectively?

If a maximum is determined, it should apply to all with no exception.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Good

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

6. What action is needed to ensure consistency in referrals?

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7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

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Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Senator Daniel J. Evans
Ranking Minority Member
Select Committee on Indian Affairs

DANIEL J. EVANS
WASHINGTON

United States Senate
WASHINGTON, D.C. 20510

1988 MAR 21 PM 3: 03

March 15, 1988

Dear Ted and Wendell:

I am pleased to respond to your questionnaire on operation of the Senate. The numbers will correspond with the question numbers on your questionnaire.

1. I don't believe we have great difficulties with jurisdiction. The problems of our Indian people are widespread, however, and we do have to coordinate carefully with interests of the Education Committee in relationship to Indian education and do have a number of issues that are related to water or timber management or other generally western problems. We have so far been able to work out those problems of jurisdiction I think rather handily.

2. The Committee has embarked on an ambitious schedule of work during this year which far exceeds actions of previous years. We occasionally do have difficulties in gaining a quorum not so much because of committee size but simply because there are too many other competing requirements on a member's time.

3. I strongly suggest that we reduce both the numbers of committees and subcommittees as well as the number of committees on which a member serves. I believe a member should be restricted to service on two committees and perhaps no more than four or five subcommittees of those two committees combined. It is virtually impossible to be regularly and deeply involved with subcommittee activity as well as full committee action when we serve on as many committees and subcommittees as is common today.

   I might say parenthetically that if we were able to slash the number of committees and subcommittees on which we serve, we should deeply slash into committee staff as well. I sometimes think that we attempt to correct problems of overload by adding more subcommittees and committee staff. Each of these entities, however, is measured by work production and we usually spawn more amendments, more new bills, and even more complexity.

4. I believe that a biennial budget for committees of the Senate would be a splendid idea and in fact I would expand that to suggest that a biennial budget for the United States of America would be a good idea. I am confident that we would have a better chance of keeping budget increases to a minimum if we planned in two year

units. I am convinced that the biennial budget of the State of Washington led to smaller budget increases than if we had gone through the process regularly once each year. We could also save a substantial amount of time in the second year of a biennial budget and utilize that for stronger efforts on oversight. I am convinced that if we worked more regularly on oversight of executive agency activities, we wouldn't have to micromanage at the front end as we so commonly do in new legislation.

5. With the advent of the three week on, one week off system, I believe we now can move toward minimizing conflicts in committee scheduling. All five days of the week ought to be used as regular committee days. I believe that the four AA committees should all meet at the same time and that regular committee meeting time be reserved for only those four committees. In that way we could assure that there would be no conflict with those major committees since no member serves on more than one. The remaining time could be divided in a way to at least allow each committee some regular meeting time that would minimize, if not eliminate, conflicts for any member. My staff developed such a proposed schedule a year or so ago and found that it was rather simple to schedule regular committee meetings in a way that would lead to no conflicts whatsoever. It's obvious, of course, that subcommittee work or extended mark up sessions or unusual activities will lead to conflict but at least we ought to be able to have regular committee times that do not forever require us to make an unhappy choice.

6. I have not run across very much difficulty in terms of referrals and so have no comment on this question.

7. I believe we could start by regularizing committee times as well as attempting to begin floor action at a regular time each day. I also believe that at least three days of the week we ought to attempt to recess at 6 or 6:30 in the evening. It would be helpful to settle on a single day of the week (say Thursday) when all members could know that late night sessions might be required. I know how difficult this may seem with the impossibility of knowing how many amendments there are to a piece of legislation or even how long a member may wish to talk on a particular amendment. I do believe, however, that we could gradually regularize our activities and if we were thoughtful enough with one another could minimize the number of nonsensical roll call votes and extended debate for no great purpose. It might just be possible to reserve contentious amendments or proposals for late in the afternoon and gradually begin to attract more Senators to the floor to take part in live debate if they knew there was a good chance something of interest might be in front of the body. I strongly believe that most of our current dismay is not going to be resolved by rule

changes or even by greater efficiency of organization. What is really required is the willingness of all of us to give up a little bit of our independence for the good of the whole body. Seldom, if ever, should members question a unanimous consent agreement that has been reached between the majority and minority leaders especially when it is designed to help organize floor action. We shouldn't demand roll calls for everything under the sun nor put holds on every bill we dislike or every nominee we oppose. The filibuster is an honorable tradition but it is in grave danger of being abused by overuse. When all that is required is the threat of a filibuster through a hold on a bill, it potentially creates the tyranny of the individual.

Finally I would hope that presiding officers are encouraged to regain a certain sense of decorum in the chamber. It is incomprehensible to most citizens who are watching action on the floor to view a room that is empty most of the time and when any Senators happen to be there most are not listening or in fact are talking to each other while someone is speaking. We don't have to be prissy or overly formal and in fact some debate ought to be intense and maybe even raucous. Inattention or rudeness, however, is really uncalled for.

I hope these thoughts will be of some value to you as you begin the difficult job of trying to rebuild Senate morale. Good luck in your efforts.

Sincerely,

Dan

DANIEL J. EVANS
United States Senator

Senator David L. Boren
Chairman
Select Committee on Intelligence

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

The Select Committee on Intelligence has sole jurisdiction only for the Central Intelligence Agency and the Intelligence Community Staff. Although the Select Committee has primary jurisdiction for other intelligence activities, it shares jurisdiction with those committees that reviewed intelligence activities prior to the establishment of the Select Committee. For example, for national intelligence activities of the Department of Defense, jusrisdiction is shared with the Committee on Armed Services; jurisdiction for the Department of State's Bureau of Intelligence and Research is shared with the Committee on Foreign Relations; review of counterintelligence activities of the FBI is shared with the Judiciary Committee. While there is shared jurisdiction, there is a minimum of duplication between the Select Committee's very detailed review and oversight of intelligence activities, and the more general review of other committees which primarily seek to place these intelligence activities in the broader context of the Department concerned. Close coordination between the Select Committee and the other cognizant committees serves to eliminate problems or confusion arising from the dual jurisdiction before it becomes serious. Further, coordination between the Select Committee and other cognizant Committees is facilitated by the 8 crossover members specified in S.Res. 400 (2 each from Armed Services, Foreign Relations, Judiciary, and Appropriations).

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

The classified nature of most Committee hearings and meetings make it more difficult to disseminate information on the subject matter of the planned Committee action. In addition, intelligence oversight requirements often lead to the need to call short notice hearings. The designee system on the staff is indispensable in conveying the classified information about the Committee schedule to Members and providing feedback in advance to permit determination of major Member schedule conflicts. Further, membership on the SSCI is determined by the Senate leadership and Members recognize the unique and sensitive nature of their responsibilities on behalf of the Senate as a whole. The Committee generally achieves high attendance at Committee meetings despite numerous schedule conflicts facing Members. The fact that Committee meetings tend to focus on timely issues (e.g. treaty monitoring, covert action, counterintelligence, etc.) also contributes to good attendance. In general, the system works well and the Committee has not experienced any problems in obtaining a quorum.

3. How many committees do you believe a Senator could serve on effectively?

In my view, it is clear that Members currently do not have sufficient time to devote the attention necessary to develop and maintain real expertise in a subject in more than two of their Committee assignments. This problem is clearly excacerbated for the majority party where leadership responsibilities in their committee assignments impose significant additional demands. Competing demands for time appear to make for many difficult choices on a regular basis. Nonetheless, it is also clear that development of expertise is only one criteria that should be considered in setting limits on Committee assignments. For example, the need to adequately represent the interests of one's constituency, the need to have access to a broad range of information relative to foreign and domestic issues, etc., appear to me to be equally valid criteria that should be used in determining the number of Committees on which an individual Member might serve. I believe that service on the Intelligence Committee, while very time consuming, should still not count against overall committee limitations. This is the present policy. Because of its sensitive nature, most of its work is in private and its successes are not publicized. Few Senators would be able to give up service on committees which are of "bread and butter" importance to their constituents in order to serve on the Intelligence Committee if it were counted against other assignments.

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

Any actions which can serve to cut down on the amount of time required for Administrative matters would be welcome. A biennial budget for Committees would serve this purpose, particularly if it had the following features: (1) a single two year appropriation (2) an ability to execute the budget over a 24 month period; and, (3) in view of the extended time horizon, some measure of limited flexibility to permit reallocation of budgeted funds provided that one stays within the overall allocation.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

There does not appear to be any workable way to avoid scheduling conflicts among Committees. The system tried in the past of having most meetings of the Senate in the afternoon to permit meetings by Committees in the morning seemed to resolve most schedule conflicts between Committees and the Senate. This was particularly helpful in avoiding the disruptions to committee meetings caused by roll call votes.

6. What action is needed to ensure consistency in referrals?

Not a problem at present for the Select Committee.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

I support the bill by Senator Evans, S.1825 which would prevent Omnibus Continuing Appropriations. For the Constitutional power of veto by the President to have any real meaning, bills making appropriations should be presented separately to the President according to function and committee jurisdiction.

I also support allowing only germane amendments to be offered to pending bills on the Senate floor. The present system allows for immediate consideration of subject matter not germane to the bill, with no prior notice to Members and little or no committee consideration. For example, if farm legislation is pending on the floor members should be able to know that only relevant agricultural issues will be considered. I also support reducing the 100 hours in a post closure situation to 25 hours.

Consideration should be given to abolishing the current budget process, replacing it with a two year appropriation cycle for all functions of government and having only one budget resolution instead of two to speed the process and fold it into reconciliation at an earlier time.

Senator John Melcher
Chairman
Special Committee on Aging

QUESTIONNAIRE ON THE OPERATION OF THE SENATE

1. What, if any, areas of jurisdiction of your committee overlap with other committees? If duplications do exist, what are they and what difficulties or confusion has occurred as a result?

   This Committee is the only Senate Committee specifically charged with the responsibility of studying all matters pertaining to the problems and opportunities of older Americans. It is a nonlegislative committee, which undertakes studies, oversight and investigations. Under the Senate Committee structure and Committee jurisdictional alignment, there is no specific jursidictional overlap or conflict. Occasionally a Senate legislative Committee holds an oversight-type hearing on a specific subject or matter within its legislative jurisdiction, which is also within the responsibility areas of this Committee, but that causes no difficulties or confusion.

2. What problems have been encountered in obtaining a quorum for a committee meeting? Is the size of the committee the primary problem in obtaining a quorum?

   Most Senate Committees hold hearings on Tuesday, Wednesday, or Thursday. Therefore, to avoid conflicts, every effort has been made to schedule meetings and hearings of this Committee on Mondays and Fridays. The size of the Committee has not caused significant quorum problems in the past.

3. How many committees do you believe a Senator could serve on effectively?

4. What is your reaction to the creation of a biennial budget for committees of the Senate?

   Although conceptually it seems appealing, the Committee's priorities and workload can, and has changed, from year to year. Therefore, I believe annual budget submissions, though cumbersome and time consuming, serve an important purpose.

5. What steps do you suggest to avoid conflicts in scheduling among committees and between a committee and the Senate?

   It would seem almost impossible to avoid most scheduling conflicts between Committees because there are so many uncontrollable variables. In my experience, it is very difficult to avoid conflicts, even within the membership of the Committee. However, one way to avoid some conflicts between Committees and the Senate might be to try to hold hearings in the early morning and hold off calling to order the full Senate until noon or some other early afternoon time.

6. What action is needed to ensure consistency in referrals?

This is not applicable to the Aging Committee as it has no legislative jurisdiction.

7. What changes in Senate rules, administration, and/or jurisdiction would contribute most to improvements in effectiveness and efficiency of the Senate?

Please return this questionnaire to the
Committee on Rules and Administration
in the enclosed envelope.

Statements and Selected Testimony
Hearing on
Proposals to Amend
The Standing Rules of the Senate
December 2, 1987

Statement of Senator Wendell H. Ford
at Hearing, Senate Committee on Rules and Administration,
Wednesday, December 2, 1987

TODAY, IN A VERY REAL SENSE, WE BEGIN THE EXAMINATION OF THE SENATE ORGANIZATION AND OPERATION WHICH I ANNOUNCED ON NOVEMBER 17. AS WE HEAR FROM THE SPONSORS OF S. RES. 274, 276, 277 AND 309, WE BEGIN THE STUDY WHICH WILL CONTINUE NEXT YEAR AND, I HOPE, CULMINATE IN A REPORT OF OUR COMPLETE FINDINGS AND RECOMMENDATIONS BY THE END OF JUNE, 1988. CONSISTENT WITH THIS TARGET DATE, OUR DELIBERATIONS COULD RESULT IN SOME REVISIONS OF OUR RULES PRIOR TO THAT DATE.

THIS COMPREHENSIVE REVIEW OF SENATE COMMITTEE STRUCTURE, PROCEDURAL RULES, AND OTHER ASPECTS OF OPERATION IN THE SENATE IS IN RESPONSE TO FREQUENTLY EXPRESSED URGINGS BY MANY SENATORS. THERE IS CLEARLY DISCONTENT WITH THE WAY WE ARE FUNCTIONING IN THE SENATE. THE DESIRE TO REDUCE DELAYS, ELIMINATE DUPLICATIONS AND UNNECESSARY REPETITIONS, AND GENERALLY INCREASE THE EFFICIENCY OF THE SENATE IS SHARED, I THINK, BY MOST SENATORS.

I SHOULD MENTION JUST TWO EVENTS THAT OCCURRED IN OCTOBER. THE LEADERSHIP OF THE SENATE ESTABLISHED AN AD HOC COMMITTEE TO IMPROVE THE EFFICIENCY OF THE SENATE. A GROUP OF ELEVEN FRESHMEN SENATORS SENT ME A LETTER URGING ACTION ON THE RULES CHANGE RESOLUTIONS INTRODUCED BY SENATORS PRYOR AND DANFORTH, THREE OF WHICH ARE SCHEDULED FOR TODAY'S HEARING.

AS WE APPROACH THIS TASK, WE SHOULD BE MINDFUL OF THE FACT THAT ORGANIZATION AND PROCEDURE IN THE SENATE TODAY REFLECT THE WORK OF MANY PREVIOUS STUDIES AND CHANGES. CHANGE FOR THE SAKE OF CHANGE WILL NOT BE AN ACCEPTABLE OPTION.

WE SHOULD APPROACH THIS HEARING AND, ULTIMATELY, THE STUDY WITH THE CLEAR CONVICTION THAT THE BURDEN OF SHOWING THAT CHANGE WILL INDEED PRODUCE IMPROVEMENTS RESTS WITH THE PROPONENTS OF CHANGES. AT THE SAME TIME, THAT BURDEN SHOULD BE REALISTIC AND REASONABLE. WE MUST NOT RIGIDLY OPPOSE CHANGE SIMPLY TO PRESERVE PAST PRACTICES.

In our review, we must acknowledge the importance of procedure and form in the Senate, but we must not lose sight of the even greater importance of the substantive elements of the Senate's business. No matter what our form and procedure, we will still confront legislative issues of the greatest magnitude and complexity. Indeed, it seems to me that history reflects an ever increasing difficulty in the policy-making decisions the Senate is required to make.

Most important during our considerations is the need to recognize that maintaining the Senate as a truly deliberative and responsible legislative body must be our prime goal. Efficiency is just not worth any price we might be compelled to pay. We must not forget what has been perceptively said many times -- that democracy is the most inefficient, yet best, form of government known to man.

Our task will be to develop and make those changes in the Senate which will improve our efficiency without losing the tried and proven fundamentals which have made the Senate a reliable partner with the House of Representatives in discharging the legislative duties in our federal democracy.

For example, we can and must find a way, without sacrifice of individual rights, reasonably asserted, to prevent a small group of Senators from unreasonably delaying or even totally frustrating the desire and determination of a substantial majority to address and dispose of important business in the Senate.

I pledge that our study will be objective and comprehensive. I am confident our recommendations will be made with care and sensitivity, and designed to achieve the maximum efficiency consistent with preserving the Senate as a responsible deliberative body.

Senator Ted Stevens
Statement, Rules Committee Hearing
December 2, 1987

MR. CHAIRMAN, I WANT TO PERSONALLY THANK YOU FOR SCHEDULING TODAY'S HEARING ON SEVERAL RECENTLY INTRODUCED SENATE RESOLUTIONS. THESE PROPOSALS WOULD MODIFY IN IMPORTANT WAYS SOME OF THE PROCEDURES WHICH THE SENATE UTILIZES IN THE CONDUCT OF ITS BUSINESS.

AS A FORMER REPUBLICAN WHIP, I KNOW FROM EIGHT YEARS OF FLOOR EXPERIENCE THE SENSE OF FRUSTRATION WHICH HAS CAPTURED THE MOOD OF MANY SENATORS IN RECENT YEARS. WE HAVE ALL HEARD THE MANY CALLS FOR STRUCTURAL REFORM IN THE WAY IN WHICH THE SENATE CONDUCTS ITS BUSINESS AND WE HAVE ALSO HEARD FROM OUR COLLEAGUES THAT THE "QUALITY OF LIFE" IN THE SENATE MUST BE IMPROVED.

IN THAT SAME LIGHT, I HAVE LONG FELT THAT THE COMMITTEE SYSTEM MUST BE RESTRUCTURED TO ELIMINATE REDUNDANCY AND OVERLAPPING JURISDICTIONS, TO ALLOW SENATORS TO CONCENTRATE MORE ON SPECIFIC AREAS, TO NOT BE TIED DOWN WITH SO MANY SUBCOMMITTEES, AND TO ELIMINATE THE EVER-INCREASING LIKELIHOOD THAT A CONTROVERSIAL LEGISLATIVE ISSUE WILL BE CONSIDERED AND DEBATED FOUR, FIVE, OR EVEN SIX TIMES BY THE SENATE IN A SINGLE SESSION. LET ME COMMEND MY GOOD FRIEND FROM KENTUCKY FOR HIS FORESIGHT AND LEADERSHIP IN ANNOUNCING A SERIES OF HEARINGS INTO THESE INSTITUTIONAL ISSUES NEXT MONTH.

TODAY, HOWEVER, OUR AGENDA IS SOMEWHAT MORE NARROW. TODAY, THE COMMITTEE WILL FOCUS UPON FOUR RESOLUTIONS WHICH WOULD ALTER SENATE FLOOR PROCEDURES AND, IT IS HOPED, SPEED

THE SENATE'S DELIBERATION ON THE MANY IMPORTANT PUBLIC POLICY ISSUES WHICH MUST BE ADDRESSED BY THIS CONGRESS.

AMONG THE RESOLUTIONS BEFORE US TODAY IS ONE IN WHICH I HAVE A PARTICULAR INTEREST. SENATE RESOLUTION 309, INTRODUCED BY SENATOR BYRD, SENATOR PRYOR, AND MYSELF ON OCTOBER 29, WOULD PLACE A TWO-HOUR TIME LIMIT ON THE SENATE'S DEBATE ON A MOTION TO PROCEED TO THE CONSIDERATION OF A BILL OR RESOLUTION.

AS THE CHAIRMAN WELL KNOWS, S.RES. 309 IS NOT THE FIRST PROPOSAL TO PLACE A REASONABLE TIME LIMIT ON DEBATE REGARDING MOTIONS TO PROCEED. IN THE 88TH CONGRESS, MEMBERS OF THE SENATE BEGAN TO ADDRESS THE NEED FOR LIMITS ON DEBATE ON THE MOTION TO PROCEED. MY FIRST RESOLUTION ON THIS ISSUE WAS INTRODUCED DURING THE 98TH CONGRESS AND IT HAS BEEN REINTRODUCED IN EACH SUBSEQUENT CONGRESS. IN ADDITION, SINCE THE INTRODUCTION OF THE INITIAL RESOLUTION ON THIS ISSUE DURING THE 88TH CONGRESS, THREE SEPARATE SENATE STUDY COMMISSIONS--THE PIERSON/RIBICOFF COMMITTEE IN APRIL 1983, THE CHAFEE AD-HOC COMMITTEE ON SENATE RULES AMENDMENTS IN JANUARY 1985, AND THE QUAYLE COMMITTEE IN JUNE 1985-- HAVE EACH RECOMMENDED TO THE SENATE THAT DEBATE ON MOTIONS TO PROCEED BE SET AT TWO HOURS, EQUALLY DIVIDED.

IN MY VIEW, THERE IS NOTHING INHERENTLY IMPROPER ABOUT A PROLONGED DEBATE ON ANY SUBJECT. AS A SENATOR FROM ALASKA, WHICH HAS PARTICULAR TIME AND DISTANCE SENSITIVITIES WHICH MAY REQUIRE A DELAY IN THE CONSIDERATION OF LEGISLATION IN

ORDER TO OBTAIN RELEVANT INFORMATION REQUIRED FOR PROPOSING AMENDMENTS OR BASIC ARGUMENTS, I AM CONCERNED THAT WE NOT ACT IN ANY WAY TO JEOPARDIZE THE RIGHTS OF SMALL STATES OR MINORITIES IN A RUSH TO GET ALONG WITH THE LEGISLATIVE CALENDAR.

OVER THE YEARS, HOWEVER, EXPERIENCE HAS SHOWN THAT DEBATE OF A MOTION TO PROCEED BY THE OPPONENTS OF A BILL OR RESOLUTION IN AN EFFORT TO PREVENT, BY FILIBUSTER, THE SENATE'S CONSIDERATION OF THE UNDERLYING LEGISLATION IS, SIMPLY, A WASTE OF TIME. SUCH A TACTIC (WHICH I CALL A "PRELIMINARY FILIBUSTER") IS NOT CONDUCTED ON THE MERITS OF THE BILL OR RESOLUTION BUT IS A PARLIAMENTARY DELAYING TACTIC WHICH PREVENTS THE SENATE FROM ATTEMPTING TO RESOLVE THE DISPUTE OVER THE UNDERLYING LEGISLATION.

MOVING ON TO THE BILL OR RESOLUTION DOES NOT PREVENT OR PRECLUDE A FULL-SCALE FILIBUSTER ON THE BILL ITSELF OR ON ANY MOTION MADE WHILE ON THE BILL. "PRELIMINARY FILIBUSTERS" SHOULD HAVE NO PLACE IN THE SENATE. THEY ACCOMPLISH NOTHING WHICH COULD NOT BE ACCOMPLISHED DIRECTLY BY A FILIBUSTER ON THE BILL OR RESOLUTION; IN FACT, THERE ARE AT LEAST SIX OPPORTUNITIES TO FILIBUSTER A BILL ONCE IT IS BEFORE THE SENATE.

THE SENATE'S FRUSTRATION AT EXTENDED DEBATE ON A MOTION TO PROCEED IS WELL DOCUMENTED. IN MY VIEW, SUCH "PRELIMINARY FILIBUSTERS" ARE COUNTERPRODUCTIVE. THIS VIEW IS SHARED BY MANY SENATORS. FOR EXAMPLE, IN TESTIMONY

BEFORE THIS COMMITTEE ON JANUARY 15, 1985, THEN SENATE MAJORITY LEADER BOB DOLE ECHOED THE CALL FOR THE DEVELOPMENT OF A REAONABLE TIME LIMIT ON DEBATE ON SUCH MOTIONS. SPEAKING FROM HIS OWN EXPERIENCE AS MAJORITY LEADER, BOB DOLE SAID:

"IN MY VIEW, ALL MOTIONS TO PROCEED SHOULD BE NONDEBATABLE OR LIMITED TO A ONE OR TWO HOUR DEBATE EQUALLY DIVIDED.

"UNDER THE CURRENT RULES, MOTIONS TO PROCEED ARE NONDEBATABLE IF THEY ARE MADE IN THE MORNING HOUR, OR IF THE MOTION IS TO PROCEED TO A PRIVILEGED MATTER OR TO A MATTER ON THE EXECUTIVE CALENDAR. RATHER THAN MAKE A DISTINCTION BETWEEN MOTIONS TO PROCEED ON A LEGISLATIVE MATTER OUTSIDE THE MORNING HOUR AND ALL OTHER MOTIONS TO PROCEED, A UNIFORM NONDEBATABLE OR TIME LIMITED DEBATE MOTION TO PROCEED SHOULD BE ADOPTED.

"THIS RULE CHANGE WOULD PERMIT THE LEADERSHIP TO MORE EFFECTIVELY SET THE LEGISLATIVE AGENDA OF THE SENATE. THE MINORITY ON ANY PARTICULAR MATTER CAN STILL PROTECT ITS RIGHTS BY FILIBUSTERING THE BILL OR ANY AMENDMENT IT FINDS OBJECTIONABLE. TWO LAYERS OF FILIBUSTER AND TWO CLOTURE VOTES SHOULD NOT BE REQUIRED. IN MY VIEW, THE MAJORITY LEADER OUGHT TO BE GIVEN BY THE RULES THE NONDEBATABLE POWER TO PROCEED TO LEGISLATION."

MR. CHAIRMAN, NO MORE EFFECTIVE CASE CAN BE MADE FOR THE IMPLEMENTATION BY THE SENATE OF A REASONABLE TIME LIMIT ON

DEBATE ON MOTIONS TO PROCEED. I TRUST THAT THE COMMITTEE WILL GIVE ACTIVE CONSIDERATION TO SENATE RESOLUTION 309 AND HOPE THAT IT CAN BE FAVORABLY REPORTED TO THE SENATE IN THE VERY NEAR FUTURE.

Statement of Senator Robert C. Byrd
before the Committee on Rules and Administration
December 2, 1987

Senator Byrd. Mr. Chairman, I thank you and I thank Mr. Warner for your opening statements. I thank you for conducting the hearing.

One needs only to look at the size of the audience this morning to understand that there is a great misunderstanding as to the importance of the Senate rules. Also, a look at the audience will reflect the fact that the study of the Senate rules and precedents is a dry study. Even in the Senate, few members have the interest and the dogged tenacity to study at great length the precedents that stand behind the rules, and which, more than the rules themselves, guide the day-to-day operations of the Senate.

The first Senate gathered a month and two days late insofar as getting a quorum was concerned. The Senate was to meet on March 4, 1789, and it did not get a quorum until April 6, 1789. It was ten days later on April 16 that the committee of five lawyers which had been appointed to propose rules for the guidance of Senators, made its report and proposed 19 rules. Those rules were added to two days later by an additional rule, making 20 rules.

Most of those rules grew out of the experience of the Continental Congresses and the Congress of the Confederation, and out of the experiences in the colonial legislatures. Some of them had roots even in the English Parliament.

The rules of the Senate, to a considerable measure, contribute to that body's uniqueness. The fact that it is not a second House of Representatives is not only ensured by the organic instrument on which our constitutional system is built, but also ensured by the Senate rules and precedents.

A study of the precedents is absolutely necessary if one is to adequately hope to, in a small measure, fulfill his responsibilities as a leader of that institution. I have been utilizing the rules and precedents now for 21 years--utilizing them and studying them and respecting them, since I became Secretary of the Democratic Conference 21 years ago. Mr. Mansfield was majority leader at that time. Mr. Mansfield was one who did not have a great liking for the floor work, for dealing with the rules and precedents. So, from the very beginning I worked at his elbow and did the floor work.

I had a great opportunity to use the rules and precedents with Jim Allen, the late Senator Jim Allen, who came here having served as lieutenant governor of Alabama. I believe at that time Senator Allen told me that the Senate of Alabama used the U.S. Senate rules, and he was quite schooled in them when he came and proved himself to be very resourceful in the use of them. So I not only had the opportunity to learn a lot about the rules; I had the necessity for learning them because it fell to me to do the floor work. Having a very worthy opponent at times, like Senator Allen, it make it necessary for me to sharpen my own parliamentary sword.

It is a dry subject, and I can understand why. But anyone, I would say, who loves mathematics, should love the rules and precedents of the Senate. Mathematics teaches one to think and requires one to think. So if one wishes to go to sleep, a good way to encourage sleep is to take the book of precedents to bed and read them. They are not very interesting, but they can teach you to think. They are really very interesting for one who likes that subject.

They are very important, and one who has an adeptness in use of the rules and precedents of the Senate at times controls the situation, has the Senate in his hands. They do not make headlines, but they certainly can determine the course of action in the Senate and the final decision that is made in the Senate.

So I begin with that brief preliminary, Mr. Chairman. I am very pleased to be with you. I thank you for scheduling these hearings. On October 7th, I appointed Democratic members to an Ad Hoc Committee to improve Senate operations, and on that date, in a memorandum to Mr. Dole, I wrote as follows: "In furtherance of our communications regarding the appointment of a group to study, review, develop recommendations for improving Senate operations, I suggest we move forward and appoint a small, effective committee that can act expeditiously to study our institutional problems and potential solutions. As we both know, there are no magic solutions which will automatically make the Senate a 9-to-5 job. Improvements in the operation of this body will require the substantial cooperative efforts of all our respective colleagues." And I named the following Democratic members to that bipartisan Ad Hoc Committee: Senators Pryor, Ford, and Breaux.

Senator Pryor was appointed chairman of that group, and the other two members, as I have already indicated, the Chairman of the Rules Committee, Mr. Ford, and Mr. Breaux. Senator Dole appointed Senators Danforth, Evans, and Murkowski. In my memo to Senator Dole for proposing that such a committee be appointed, I indicated that there are no magic solutions to making life in the Senate a 9-to-5 job. Improvements are possible but require a cooperative effort from us all.

Now, Mr. Chairman, we could make it a 9-to-5 job. It would no longer be the United States Senate. We all run for the United States Senate, and we aspire with an enthusiasm and a desire that would make us almost give our right arm to become a member. We get just not exactly what we see. And once members get here, if they have come over from the House, like I did, they find the Senate is quite a different institution.

Once they get here, they find, too, that all is not what it seems, and that they are required to work long hours. The schedule is not very definite. They cannot adequately, and with assurance, plan their next day or days, or their weekends, or their evenings. They become dissatisfied, and usually the leader becomes the target for those who cannot understand why the Senate cannot operate more like the House or in a more efficient manner which will allow Senators to know their wives and children and to understand what to count on in the days ahead.

I do not think I have ever seen the Senate operate in that fashion, and even more so it seems, as our problems mount and our population increases. So out of this dissatisfaction has grown the so-called legislative break.

I am always amused when a floor fight erupts over a parliamentary question to find that there are 99 other experts on the rules and precedents in the Senate. Everybody suddenly becomes an expert. But few have spent the time and the sweat to really study the rules and precedents. So there are many suggestions as to how the rules ought to be changed, but few of those suggestions are workable in the context of this unique institution.

Most of our problems grow out of each Senator's own individual desires to accommodate the rest of the institution to his life, his own need, and his own wishes. I had a Senator who came to me yesterday, or the day before yesterday, after the first 30-minute vote. He had missed the vote, and he told me how serious it was to miss a vote around here. It shows up badly on our record. I said, "Well, what happened?" He said, "Well, the subway system broke down, or it was slow in picking us up." I said, "Well, why didn't you start earlier?" He said, "Well, I heard the warning bells, and I started in time." I said, "Why didn't you start when the first bells rang? If you will start when the first bell rings, if the subway system doesn't work well, you will have time to walk."

So, Mr. Chairman, we sometimes react to problems of our own making and blame it on the rules or the leader or whatever. Those of us who asked to be leaders, of course, understand that we are going to have to deal with such problems.

My concerns go out to the families of Senators who are inconvenienced. How do we inconvenience them? On 15-minute roll calls, we take 20 minutes; we take 22 minutes; we take 26 minutes. And in the long run, that adds up to a lot of time, and that time comes out of the time at home which Senators would have if they would be more meticulous in meeting the schedule here. Those minutes become hours, and hours become days, and days become weeks at the end of the session. Otherwise, we might be out of session earlier.

I say that to say that no matter what rules changes we may make, it all comes down in the final analysis to how much each Senator is willing to accommodate himself to the rules and to the convenience to the Senate. Too many of us expect only to accommodate ourselves, and we think little of our colleagues. The Senator who is five minutes late in getting to the Senate for roll call, when all other Senators have already voted, is being very discourteous to his colleagues. He is taking five minutes out of every other Senator's time. If you take five minutes out of the time of 99 other Senators, you have taken 495 minutes of the Senate's time. It is a discourtesy to other Senators.

Well, you cannot by rules change human nature. Here we are going to try, however, to make some changes, hopefully that will help us all. There are no magic solutions to making life in the Senate a 9-to-5 job. Improvements are possible but require a cooperative effort from all.

Although the words "quality of life" were not used in connection with the appointment of this Ad Hoc Committee, they are the words that are most commonly associated with the basic mission of these six members. These hearings are held today in part because the Ad Hoc Committee believes that one of the methods by which life in the Senate can be improved is to consider changes in our rules. It is not the only method by which we can provide a more reasonable legislative schedule, but it may be an important component of any effort to improve our overall operations and efficiency.

Rules changes alone will not accomplish the goal. The membership of the Senate will have to support the concept of operating in a more efficient manner. Whatever rules changes are adopted, they must be used to improve our efficiency and not be utilized to develop new procedural strangleholds in the legislative process. There will have to be wide acceptance not only of the specifics of any rules changes, but also acceptance of the underlying goal of the changes; namely, more orderly, efficient, and predictable operation of the Senate.

I believe that the proposals that are under consideration today are worthy of positive consideration by the Committee. They all have the potential of improvement of legislative life in the Senate.

S. Res. 274, which provides a limitation on Sense of the Senate amendments is the first of three proposals introduced by Senators Pryor and Danforth. Their resolution establishes a point of order against consideration of any Sense of the Senate or Congress amendment which does not have at least 20 cosponsors. All of us are aware of the increased use of Senate of the Senate amendments, and they do not mean anything. They are not legally binding, just an expression of a viewpoint of the United States Senate at a given time on a given matter; and sometimes not a very clear expression of even a majority viewpoint.

Along with many other Senators, I myself have used these amendments, but the increased usage of this type of amendment has begun to impose unduly upon the Senate. Instead of being viewed as the Senate's expressing an opinion on an important matter, they are becoming s symbol of the Senate's inability to take meaningful action on important matters. If it is important enough, a requirement of 20 cosponsors for these amendments is not asking too much.

Such a requirement should limit the offering of these amendments. Not only will that serve to save us time that can be saved through reduced debate and votes--keeping in mind that three roll call votes, generally speaking, mean an hour. Not 15 minutes on each roll call vote, but the average last year was something like 22 minutes. It will help us to improve the image of the Senate as a serious, deliberative legislative body.

In so many instances, the Sense of the Senate amendments are not offered in the genuine hope and belief that they will amount to anything. They are offered to make it difficult on other Senators to vote. Some Democrats will offer them wanting to skew the Republicans. Some Republicans will offer them hoping to put the Democrats in a hard place. Others will offer them simply so that during the campaign they can be used against Senators of the opposite party.

The proposal by Senators Pryor and Danforth to limit roll call votes to 15 minutes is one which we can all support. Whether or not it will prove to be any more workable than the standing order of the Senate, which is entered into by unanimous consent at the beginning of each Congress, or at the beginning of each session--whichever the case may be--would certainly remain to be seen. But I certainly support the idea. Of all the proposals that are being suggested here this morning, I probably have more questions concerning this particular one than any others.

Although a standing order limiting roll call votes to 15 minutes is adopted by unanimous consent at the beginning of each Congress and is in effect for the 100th Congress, it is the one standing order that is honored almost entirely in the breach. So if a standing order of the Senate is not going to be observed, how can we enforce it as a rule of the Senate?

The formulation offered in S. Res. 276 would make the 15-minute vote limitation part of the standing rules, codifying the present standing order. In addition, Senators Pryor and Danforth suggest that the Rules Committee devise a method by which there will be a signal to signify the end of the 15 minutes. At that point, if no other Senator is in the Senate chamber wishing to vote or to change a vote, it shall be the duty of the presiding officer to announce the vote.

Every majority leader will have some problems with that, because there are times when the majority leader finds it necessary to stretch the time. As Senator Dole said to me on one occasion, I was not elected to lose around here. I can understand when the vote did not go as Senator Dole wanted it to go, if it went against him, he utilized his position as majority leader to tell the clerks not to announce the vote. He needed time to come up with a plan or to change votes. That is not only the right of every majority leader; that is his responsibility.

So here we have the chief policeman in the court breaking the rule, and doing it quite properly. I never shouted for the regular offer when I saw Mr. Dole was behind a vote or two. I knew he had a responsibility to fulfill, and I expected him to do it. I could not have done anything about it if I had wanted to. He was the majority leader, and the clerks were going to hold that vote up.

So that is a very difficult rule to enforce, but I am speaking only of the exceptional times rather than the normal times. Normally, if I hear that Senator Helms is on his way, I will not ask for the regular order. I may want Jesse Helms someday to give unanimous consent to a time agreement that I am working for, and he will remember it. If I say "regular order" and he pops in the door, and the vote has been announced by the Chair, they may say, well, Senator Byrd was told that you were on your way and you were only two minutes away, but he called for the regular order. Well, Senator Helms would say, to himself, perhaps, I will keep that in mind the next time the majority leader wants some help out of me. I use Jesse Helms as an example, which can be repeated with the names of 99 other Senators. They all have long memories.

So if I accommodate Jesse Helms, then I have someone on my side who will say, well, you held the vote for the Republicans; how about for us? So it really is an extremely hard rule to rigidly enforce. But I hope that we are moving in that direction because we are calling for the regular order more often now. I am trying to encourage Senators on my side. I know those who are habitually, almost, late in arriving. I am encouraging them to get an earlier start.

As we are able to bring about better discipline through the conscience of Senators, that order as of now will operate better. A signal, audible or visual, at the end of the 15 minutes would clearly let all Senators know they had missed the vote if they had not already arrived in the chamber. That is being proposed, I believe, by someone, or perhaps by the members of the Ad Hoc Committee.

Now, I have been providing this year that the first roll call vote of the day be 30 minutes in length, and that the Chair announce the result at the end of the time. So with Senators on notice that the regular order will be called for at the end of the 30 minutes and will be automatic, we have had fairly good success and little grumbling, except in the instance which I mentioned yesterday.

In spite of the efforts of both cloakroom staffs, Senators still leave late for these 30-minute roll call votes. I would have to observe that occasionally a majority leader does find it necessary, as I have already indicated, to extend the time. But, in general, there is no need to take longer than 15 minutes. If a Senator misses the 15-minute roll call, that is really his fault 99 times out of 100. If you start when the bells rang, you will have no problem.

The proposal in S. Res. 276 might serve to encourage all Senators to leave for the floor as soon as the first bell is sounded, lest they arrive in the chamber after the announcement of the vote.

In S. Res. 277, Senators Pryor and Danforth have proposed a very innovative and thoughtful suggestion on how to provide for more orderly consideration of bills. This new amendment is offered for 20 minutes. If no amendment is offered for 20 minutes, the pending section is closed for further amendments, and the next section is then before the Senate.

On the surface, it would be difficult for anyone to find fault with this proposal. But I daresay that a majority leader can quickly tell you he is going to have some problems. Because if Senator X is not going to be in town the next day, the majority leader will not get a time agreement if this rule is in effect, because that Senator who is going to be out of town will say, "I cannot be here at all for my amendment when we reach that title." Under this rule, we can only offer amendments to titles when the particular title is before the Senate and pending.

Point of order is provided against any amendment that is not properly offered to the pending section and is not relevant to the pending section. This formulation would make it clear when Senators had to be on the floor to manage and offer amendments. It should make consideration of a bill not only more orderly, but less time consuming.

But in adopting such a rules change, the Senators would have to be prepared not only to offer amendments in a timely fashion, but also to decide that they were, indeed, going to offer an amendment.

But if this rule were put into effect, once those titles have gone by, then the Senator would be shut out unless he would let another Senator offer his amendment. Once a section of the bill is closed, the Senator would not be able to go back to offer an amendment to that section except by unanimous consent.

It might be necessary to consider ways of strengthening the enforcement of the proposal, such as requiring a three-fifths affirmative vote of Senators present and voting to successfully appeal the Chair's ruling that an amendment had not met the two requirements contained in S. Res. 277. I would like to comment on my own proposal, S. Res. 41, which is also pending before the Committee but not one of the resolutions on today's agenda. This resolution authorizes two motions during any calendar day to prohibit the consideration of any amendment that is neither germane nor relevant to the subject matter of the pending bill or resolution. This motion may be made by any Senator. Debate on the motion is limited to one hour, and adoption of the motion requires the affirmative votes of three-fifths of the Senators present and voting.

Once the motion is agreed to, amendments that are not germane or relevant to the subject matter would not be in order. Points of order with respect to the germaneness or relevancy of amendments would be decided without debate, except that the presiding officer may entertain debate prior to ruling. Appeals from the decision of the Chair are decided without debate. In order to overturn decisions of the presiding officer holding an amendment not germane or relevant, it is necessary to obtain an affirmative vote from three-fifths of the Senators present and voting. No amendment proposing Sense of the Senate or Congress language that does not directly relate to the measure or matter before the Senate would be considered germane or relevant.

I have proposed this resolution before in earlier Congresses as a manner by which the Senate, by a super majority of three-fifths, can decide that amendments must be germane or relevant. This has been a controversial proposal in the past; it may be possible to utilize elements of my proposal along with the ideas contained in the Ad Hoc members' resolution as the Rules Committee searches for acceptable language for this type of rules change.

So I would hope that the Committee would be able to favorably consider this proposal. Our rules can be changed by majority vote, but if the proposed changes are controversial, it takes 67 Senators to invoke cloture.

This is as it should be since we are bound by our rules. They should be widely accepted by the membership of the body as reasonable and fair. It is my hope that today's hearings will provide the Committee with information on how Senators view these proposals, and the Committee, together with the six Senators on the Ad Hoc Committee, will be able to fashion a strong consensus for these few changes in the rules, changes that will improve our daily operation and make life in the Senate somewhat more predictable.

I urge the Committee, if it sees fit to do so, in any rules change that it reports out, I urge it to--I would hope in a bipartisan way--to oppose any further changes that are offered on the floor. Certainly, any that are not germane to the rules change that is being recommended by the Committee. We do not want to get into a situation in which everybody is offering all kinds of rules changes.

Other than that, Mr. Chairman, I would suggest and express the hope that the Committee could consider S. Res. 42 and S. Res. 43, which I have introduced. S. Res. 42 would limit legislative amendments to general appropriation bills. It proposes that it shall not be in order to raise the defense of germaneness unless there is House legislative language to which that amendment would be germane. This would save the Senate time and would protect the Senate against non-germane amendments that are popular but very costly. It is already a precedent of the Senate. We have established this precedent, but if we could, write it into the rules. That is Senate Resolution 42. I think it would be a progressive step.

Senate Resolution 43 provides that the vote necessary to overturn the decision of the presiding officer shall be three-fifths of the Senators duly chosen and sworn on the question of germaneness. We have seen cloture invoked which requires 60 votes, and then if the opinion of the Chair as to germaneness can be overridden by a majority vote, there is no point in having cloture then, for that, to that extent, has lost its utility. We almost saw that happen; I believe it was last year on one occasion in which the Chair ruled an amendment out of order. The question of germaneness was raised which only requires a majority vote. It was because both leaders joined in urging the Senate not to proceed down that path that we avoided making that mistake. So this resolution would codify under the rules a protection, I think, that in the long run would prove to be worthwhile.

I thank the Chair and the Committee for the time given me. As usual, I have imposed on the Committee.

Statement of Senator John Danforth
before the Committee on Rules and Administration
December 2, 1987

Senator Danforth. I want to commend you, Mr. Chairman, and the Rules Committee for addressing the specific proposals for rules changes and also for opening up the general topic of what we can do to make the Senate a more efficient, effective, and livable place.

I am delighted to be associated with Senator Pryor in several initiatives for rules changes. Senator Pryor first began, two or three years ago, convening various members of the Senate, to try to figure out what we could do to improve the quality of life in this place.

He since has pointed out that, in his view, the real question is not quality of life, it is quality of work. I think one thing that characterizes all members of the Senate is a high level of energy. It is not that anyone here is shucking work. Rather, we want to work effectively, we want to make some meaningful mark on the course of events and not spend inordinate amounts of time being bogged down in totally futile or meaningless and time consuming enterprises.

So what we have been doing is casting around for some specific ideas, whether the ideas are the best possible ideas, I do not know. I think that basically what we are doing is just saying, "Let us start thinking about these things." Here are some specifics. Here are some specific rules changes. They barely make a dent in the overall problem, but it is a place to start, a specific place to start.

So, Mr. Chairman, I would invite the committee not merely to flyspeck these rules, which it is your duty to do, but also to give some thought to what steps can be taken to make sure that the work of the Senate is done in a more expeditious way and in a way that is less maddening for the members, for the families of members, and for all who are associated with what goes on here.

I think there are four different resolutions that Senator Pryor and I have been a party to. I want to say, as I address them, I am throwing rocks right through my own window. I mean, this is not the case of the person who lives in a glass house not being willing to throw rocks.

I have been as guilty as anyone in these various tactics and delays and problems that I see that the Senate has. I do not want to appear to the committee as some sanctimonious person who is out saying everybody else has created a problem that I have not been a part of. I have been a part of the problem, so I just make that admission to the committee.

One of the resolutions, Senate Resolution 274, would require at least 20 signatures before the Senate would consider a sense of the Senate or a sense of the Congress amendment. Right now sense of the Senate amendments or sense of the Congress amendments are frequently offered to bills.

I have not gone through to count the number that we have addressed this year, but I would call the committee's attention to the State Department Authorization Bill. There were 86 amendments that were offered to that bill. Many of them were sense of the Senate amendments, I believe. They had to do with the foreign policy of this country.

A sense of the Senate resolution has no actual effect. It is not true legislation. It does not change the legal effect of anything. Because it is an empty act, a meaningless act, many members of the Senate, I think, certainly myself, are tempted to go to the floor of the Senate and vote on a sense of the Senate amendment as a throw-away vote.

I cannot count the number of times, Mr. Chairman, that I have gone over to vote on a roll call vote and looked at the write-up on the desk and said to myself, or had somebody else say to me, it is only a sense of the Senate amendment. It is only a sense of the Senate Amendment is to say that it is frivolous, that it is a throw-away.

Now, in a sense of the Senate resolution, we are purporting to send a message to somebody, frequently on matters of foreign policy. We say we have to send a message to the Administration or to the Soviet Union or to Iran or to somebody. We have to send a message. What is the nature of the message?

Typically, it is something that a senator has scribbled out in longhand in the form of a floor amendment, something off the top of his head that sounds good, that is called up without the benefit of any hearing, without anybody else having looked at it. It receives maybe ten minutes of debate and it is voted.

That is one possible chain of events. I would say it is a very frequent chain of events. Is that the way for the United States Senate to weigh in on questions of policy? I do not think it is. I think that sense of the Senate resolutions are basically frivolous.

Now I say that as somebody who has sponsored them, offered them, thought that they were great ideas when I was doing it. But there is so much room for mischief in a single senator simply standing up and saying, Mr. President, I am sending an amendment to the desk. Nobody has ever seen it.

It puts the Senate on record on a matter of basic policy where we think it is a throw-away vote. It creates a situation that is frivolous in its very nature, because it has no obvious consequences, no practical consequences.

I think to require 20 signatures would at least say let us make sure that this is something other than the spur of the moment thought of a single person. I think therefore that this is an important resolution.

Of course, the other possibility is that this is not just a five minute debate on the floor of the Senate, that somebody offers a sense of the Senate resolution, that it gets another senator's hackles up and we debate it not for ten minutes but for ten hours. That is also a possibility.

For what? To what end?

So I would think that S. Res. 274 is one way to get discipline on something that is now inherently without discipline.

The question of the 15 minute roll call vote, I do not think, requires any elaboration at all. Here again, I live in the glass house. Votes have been kept open for this senator. I am embarrassed about it. I regret it.

It usually is done without you even realizing it happening. You are caught somewhere and you never know that there is a vote. Your phone rings or your beeper goes off or somebody tells you. It has happened to me when I have been at a reception or something, and have not even had a beeper with me. And somebody has come down to say the first floor of the Capitol Building and say hey, do you know that they are keeping the vote open for you.

But I think that we are grown men and women in the Senate and we have a responsibility and 15 minutes is time enough to get there. Why keep the whole Senate waiting around forever? Why not simply get there in 15 minutes and assume that this is going to be something that will be applied to everybody?

In regard to the issue of amendments offered to sections of a bill, Senator Helms raised a practical question about whether or not there would unanimous consent for committees to have meetings. I do not know. I am sure that there are some problems with this in a technical sense. That is, it is always possible to offer an amendment at the end of the bill that says notwithstanding any other provision of the bill, such and such will be the law. That would be something that would, I think, be wisely addressed by this committee.

But the thrust of S. Res. 277 is to try to get at a couple of problems that all of use have seen, and we have seen them very often. One is the quorum calls, waiting for someone to show up on the floor of the Senate to offer an amendment.

How many days have we spent most of the day in quorum call doing nothing, and then we have started voting at seven o'clock at night? If there was some orderly procedure on the floor of the Senate where members would be expected, required to be present, offering amendments, I think that that would save a lot of time and make for the more efficient use of time by all of us.

The second problem that all of us have faced, is a bill has been on the floor and there might be ten senators waiting around the floor to offer amendments, sometimes. On a complex piece of legislation, the trade bill would be one example, a tax bill would be another example, members who want to get their work behind them or who are concerned that it possibly will go to third reading, can all flock to the floor at the same time. There can be six, eight, ten members of the Senate waiting around to offer amendments.

So the thrust of S. Res. 277 is to try to find some sort of orderly procedure, some kind of batting order, so that people would be in the on deck circle when their time at bat comes. Maybe this is not the best possible idea. I do not know. But at least it is an idea and I think that the problems that are pointed out by this resolution certainly observe the attention of the Senate.

With respect to the question of debate on a motion to proceed, Senator Byrd has already pointed out today that there are endless possibilities for a senator to filibuster a bill. This simply gets at one of those possibilities.

I would say, Mr. Chairman, that the degree of concern that has been expressed by members of the Senate, as to how we operate as a body, is so great that it is barely touched by these specific proposals. The concern that members of the Senate have is magnified by their families.

I know that Mrs. Hollings is here today. Mrs. Quayle is here today. They say that they just found out late yesterday afternoon that there was going to be a hearing. They could have marshalled any number of wives to show up and give their views.

I think the problems of the Senate--

Chairman Ford. And I might say to my distinguished Senator, they will have their opportunity.

Senator Danforth. Great. You are talking to about a .225 hitter compared to the home run hitters that the wives will produce.

Chairman Ford. In St. Louis, .225 has been pretty good in the World Series. I want you to know that.

Senator Danforth. You never stop reminding me of it.

(Laughter.)

Senator Danforth. To me, the problems are a total lack of predictability in the Senate, lack of being able to plan anything. When will we adjourn? I do not know. What is the recess schedule for next year? I do not know. If we want to plan something, if we want to plan campaigning for reelection, or if we want to plan fund raising events, when do we plan them? I do not know., Will we be home for dinner tonight? I do not know.

I think that that is, particularly from the standpoint of families, the greatest concern, the almost total uncertainty, almost all the time. It is frustrating that any senator, one senator, can create that uncertainty for 99 others.

So these are some ideas, Mr. Chairman. Maybe they are not the greatest ideas in the world, but I think they are pretty good ones. And I think that the subjects that have been raised by these specific proposed rules changes clearly deserve the attention of this committee and I thank you for giving them your attention.

Statement of Senator David Pryor before the Committee on Rules and Administration

December 2, 1987

Senator Pryor. Thank you, Mr. Chairman, and members of the committee.

First, let me say I have enjoyed the hearing this morning very much. I have sat through its entirety. I agree with you, Mr. Chairman, that anytime we listen to our Majority Leader we learn a great deal about the historical precedents of the rules and the history of the Senate, and I appreciate not only the Majority Leader's comments about our four proposed rules changes, I also appreciate, Mr. Chairman, your holding this very important hearing.

I think this is a crucial first step, Mr. Chairman, toward addressing the problems that have dragged this very proud institution into a slow motion system of inefficiency and procedural imprisonment.

The Senate and its problems are unique, but our dilemma today is strangely similar to that faced by many American industries and businesses today. The common question is: how can a fundamentally sound, but very traditional organization, function in a highly complex and constantly changing world? We must find a way to retain our ability to examine issues facing our country while not allowing the entire process to get mired down in a procedural morass.

Obviously, Mr. Chairman, it is my belief we are not meeting that challenge and the question is why. Everyone is aware of the problem with the growing number of filibusters and the equally effective threat of a filibuster.

During the 25 years from 1940 to 1965, there were only 18 filibusters in the Senate. During the 22 years since then, the number of filibusters skyrocketed to 88. Of course, that does not include the many threats of a filibuster, which are just as damaging as the filibuster itself.

We also need to look at the overall efficiency of the United States Senate--the quality of our work. I think that one measure, if there is a measure of that efficiency, is to compare the number of hours spent in session with the actual amount of work performed.

Mr. Chairman, I have compiled a chart, in fact three charts. I do not want to bore the committee with this, but it gives us a perspective, since the 93rd Congress, of the number of hours we have actually spent in legislative session, compared to the number of roll call votes.

Chairman Ford. May I interrupt my distinguished friend. The charts are hidden from the view of the committee. Could we have those moved.

Senator Pryor. Yes, we have to get our chart man more efficient here.

We will also, Mr. Chairman, ask unanimous consent to put these chart in. We will put them on paper and put them in the record. We think they would be interesting to our colleagues.

Chairman Ford. Without objection, those will be included.

Senator Pryor. In the 99th Congress, for example, the Senate spent 2,531 hours in session and responded to 740 roll call votes. In the 93rd Congress, 12 years ago, we spent 500 fewer hours in session but worked our way through 400 more votes.

A lot of people say that the test of a legislative institution is not how many votes you have or how many bill you pass, and I might agree with that. But at least, I think this demonstrates, Mr. Chairman, that we are spending more time in session and voting less. Therefore, evidently, we seem to be enthralled with hearing ourselves speak, or getting caught up in procedural slowdowns, or extended roll call votes or whatever.

I might also state, Mr. Chairman, and members of the committee, that in 1985 and 1986, in the 99th Session of the Congress, 67 percent of all of our roll call votes were on budget related items. That has gone up dramatically since 1974 and the passage of the Budget Act. In other words, as of last year, we were turning out about 35 percent less work while lengthening the amount of time in session by about 25 percent.

That was last year. Now what are we doing this year?

To date we have been in session for 1,113 hours. During this period we, in my opinion, wasted 56 hours on protracted roll call votes. That is time spent voting after the traditional 15 minutes for roll calls has expired. We have also spent about 111 hours on quorum calls, and 116 hours this year in recess during a working day.

Now some of this time was spent productively. For example, we use recess time on Tuesdays for the party caucus. The conclusion, however, is inescapable. Somewhere between 15 and 25 percent of our time is being wasted as the Senate circles in procedural holding patterns.

Mr. Chairman, many factors have created the Senate inefficiency. The four Senate rules changes that Senator Danforth and I have offered target just a few. I am just going to discuss these for a moment.

They are a minor first step. They do not overhaul the whole procedure, nor do they take away the rights of any senators.

Our first amendment is simple and painless. We want to cap the amount of time spent on a roll call vote and limit that to 15 minutes. We are now spending, as we know, well over 30 minutes or more on a growing number of roll call votes.

I should point out that the time wasted on marathon votes have been growing for six years. This is not a criticism of the Democrat nor the Republican leadership. It is growing steadily and, as I said, this year we have frittered away about 56 hours waiting for votes to end after the 15 minute period had expired.

A lot of people ask what the differences between the House rules and the Senate rules might be. I say, very simply, each member of the House of Representatives accommodates their respective schedules to the House rules. In the Senate, rules accommodate themselves to the individual schedules of the 100 members of the Senate. We have got to change this.

The second change addresses the proliferation of sometimes frivolous amendments that express the sense of the Senate or the sense of the Congress. I do not know how may sense of the Senate resolutions I have introduced. I am going to do some research on that. In fact, I am going to do a little research on which members of the Senate use the sense of the Senate most.

I am guilty of having introduced these resolutions. In fact, I introduced a sense of the Senate resolution late one night, I believe in 1980, which read: Resolved, that it is the sense of the Senate that no more Sense of the Senate Resolutions shall be introduced.

Our rule would not prohibit the introduction of such resolutions, but it would say that 20 members of the Senate, one-fifth must sign a sense of the Senate resolution before it can be amended to another bill. Over the last five years, we have seen an annual average of about 51 sense of the Senate or sense of the Congress resolutions offered as amendments. Rarely are there more than eight sponsors. Most of those only have one sponsor.

Senator Danforth said, a resolution usually is scribbled out late some afternoon or evening, maybe on the back of an envelope, taken to the desk and introduced as an amendment to the pending legislation. We think that it is common sense that a 20 co-sponsor rule would reduce the number of time-consuming, but also non-essential, amendments that slow us down a great deal.

The third change, Mr. Chairman, applies to a growing problem with motions to proceed. I have joined with Senators Byrd and Stevens, on a change which would put a two-hour limit on debate on a motion to proceed. I have also cosponsored a resolution with Senator Danforth, which would limit debate on a motion to proceed to one hour.

Whatever the decision in the Senate may be, it is my hope that we take away the opportunity of one additional filibuster by limiting debate on the motion to proceed to one or two hours.

This problem is illustrated in the following way: in the 99th Congress, motions to proceed were used 12 times to delay consideration of legislation. In five of those cases, the motion to proceed was withdrawn. In five other cases, cloture petitions were necessary and the motion to proceed was eventually agreed to after a delay of an average two days.

Finally, we would like to address, Mr. Chairman, the mayhem that accompanies many bills when they are amended on the floor. Our resolution is very simple. It requires that amendments be offered in the order of the section or the titles of the measure being amended. Should a senator desire to revisit a particular section that has been closed out by the clerk, unanimous consent would be required.

This is, in no way, an attempt to make the Senate conform to the rules of the House. Nor is it an attempt to take away the prerogatives of any individual senator. But it does recognize the fact that, by accommodating the Senate schedule to the schedule of 100 individual members, we are inviting chaos and will not be able to continue as a viable institution.

On at least 11 or 12 occasions on the trade bill alone, our Majority Leader was on the Senate floor pleading and begging with senators to offer their amendments. Sometimes this started at nine in the morning and went until six or seven at night while we sat in a quorum call or had long recesses. Then about seven p.m., members of the Senate would start wandering over to offer their amendments to the bill.

We had many late night sessions. We had many votes. But I think if we did a study of the number of votes cast in daylight versus those cast in darkness, I think we probably had more votes after dark. There is no reason for that.

In fact, on one or two occasions, I asked the Majority Leader why in the world we did not just go to the third reading? If we would announce the third reading, we would see an army of senators coming over to offer their amendments.

Today there is no leverage to get our people to offer their amendments, and I think our proposed change would give us the leverage I think we need.

Mr. Chairman, I think that our institution is fundamentally sound. I think we have 100 of the best people who exist in this country. However, I believe our procedures that may have worked 100 years ago have tied us up into knots today. I have stated this before, and I truly believe it, that the 20th century has left us behind. We have got to find our way in the 20th century and certainly into the 21st.

These modest proposals are not going to cure our ills. They are intended to help this committee and the leadership take the first steps towards greater efficiency that we need. We don't need greater efficiency so that we can have better charts or better graphs. But it could mean a better work product of the United States Senate, which would benefit our respective constituencies.

Individually, when we sit around as senators in the dining room or with our families, we all say someone ought to do something about this. That someone is us. The press cannot do anything about this. The staff cannot do anything about this. Former senators cannot do anything about this. Prospective senators, they cannot do anything about this.

The only people who can do anything about us are those of us who are in the Senate today in this great and noble institution. I am very proud to be a part of the working committee, the ad hoc committee, appointed by the Republican and Democratic leaders.

Many people call this the quality of life committee. I have never thought of it as the quality of life committee because that infers that we believe we should have more vacations or get more time with our families.

That is not what we are talking about. We are talking about the quality of work. We are talking about the work product of the United States Senate. We are talking about the service to the American taxpayers, our constituents.

Frankly, I do not think we are giving this service in the best way possible. We are trained to work. We want to work. We do not mind working. In fact, we are workaholics to come here and sit and sit and sit and not be able to plan not only frustrates the will, it frustrates the spirit of the individual members of the Senate.

The Leader stated just a few moments ago that this will never be a nine to five job. I do not know of one United States senator who has ever worked in a nine to five job or who expects this to be a nine to five job. It never will be, and it probably should not be.

However, the hours can be more predictable so that the quality of our work product will be better.

Mr. Chairman, I have a series of charts and statistics regarding the number of sense of the Senate resolutions offered as amendments For example, 29 sense of the Senate resolutions were offered in 1981. In 1985, that number grew to 65.

We look at our chart, Mr. Chairman, and we see that in the 100th Congress if the rate continues we have gone off the board. We have gone off the scale. A proliferation of sense of the Senate resolutions consumes the time.

Also, I have a chart and graph, Mr. Chairman, on the number of filibusters and the hours and days that those filibusters have consumed since 1940. I think it might be an interesting perspective for us.

Also, Mr. Chairman, I would like to include information on the motions to proceed and the number of days necessary to deal with those motions to proceed. I might have one or two other charts or graphs, Mr. Chairman, and I ask unanimous consent that we be allowed to submit these for the record.

Chairman Ford. Without objection, all those charts and memorandums that you have, Senator, will be included in the record and will be given due consideration.

Senator Pryor. I conclude my presentation.

Chairman Ford. I just want to ask one question. Of course, we get an influx of those who have been in the House to the Senate, and they find it is not quite on the inside what it looks like from the outside. There are 435 congressmen doing the work that 100 senators are doing. The rules in the House, as they relate to their Rules Committee, and the Senate Rules Committee are somewhat different, as you know.

But Senate Resolution 277 appears to be a procedure that is used in the House, whereby a piece of legislation or a resolution is taken section by section, and once a section is finished it is closed. The Senate has done that on occasion by unanimous consent. Of course, the resolution, if passed would make it a rule.

I guess its purpose is to prevent unreasonable and deliberate delaying tactics. But would this be a case of the cure being more harmful than the disease?

Senator Pryor. We know the problem now, Mr. Chairman. We see it almost weekly when the leadership or the managers of the bill are pleading for Senators to offer their amendments. I consider it an awful practice.

I think there's a problem. Senator Danforth and I have decided that in these four areas there are major problems with procedure that creates inefficiency. We propose these changes as something for the institution to try. If these do not work, let us try something else. We will be addressing the problem.

These are four minor steps. Frankly, these changes could be implemented for a year or even for six months for a trial period, and if these work, then I think that we have got to look into more substantive problems of the Senate as an institution.

We know what they are. We do not like to talk about them. One of them is the filibuster. One of them is germaneness. Those will have to be addressed. Maybe not totally eliminated, but at least addressed. Our changes do not address those two particular issues.

Chairman Ford. The super vote to override the position of the Chair might be a way to get around the germaneness rule. I do promise the Senator, and I am a member of the ad hoc committee that was appointed, that we will dig as deep as we possibly can and come forward.

I am hoping that we can move expeditiously, but some of those who are objecting to any rule changes have filed more resolutions for rules changes than any senator here. So you can talk one way and act another, and this committee is going to have to ferret out what is good and what is bad and try to make some changes.

I am reluctant, I say to the Senator, to have a sunset on a rule, so to speak, or a trial. I think if it is good enough to be reported out of the committee and be debated by the Senate, it is good enough to be put into effect. It might make it a little easier if people know it is only going to last six months or a year. But if it does not work, some Senators may like it and then refuse to take it off the books.

So if we are going to make some changes, let us make them; and if we do not like them, then let us change the changes, and we will go from there.

The Senator has been a stalwart in this position, and he is trying to help, and I look forward to working with him. I have no further questions, and I think that you can go over and try to treat us kindly in the Finance Committee.

Senator Pryor. You say, Mr. Chairman, that I have been a stalwart in this effort. I will be honest with you, I am a little bit embarrassed about my role. For about three years, I have been sort of raising Cain about the need for change. Every now and then, I feel like we are sensitizing our institution to some of our problems.

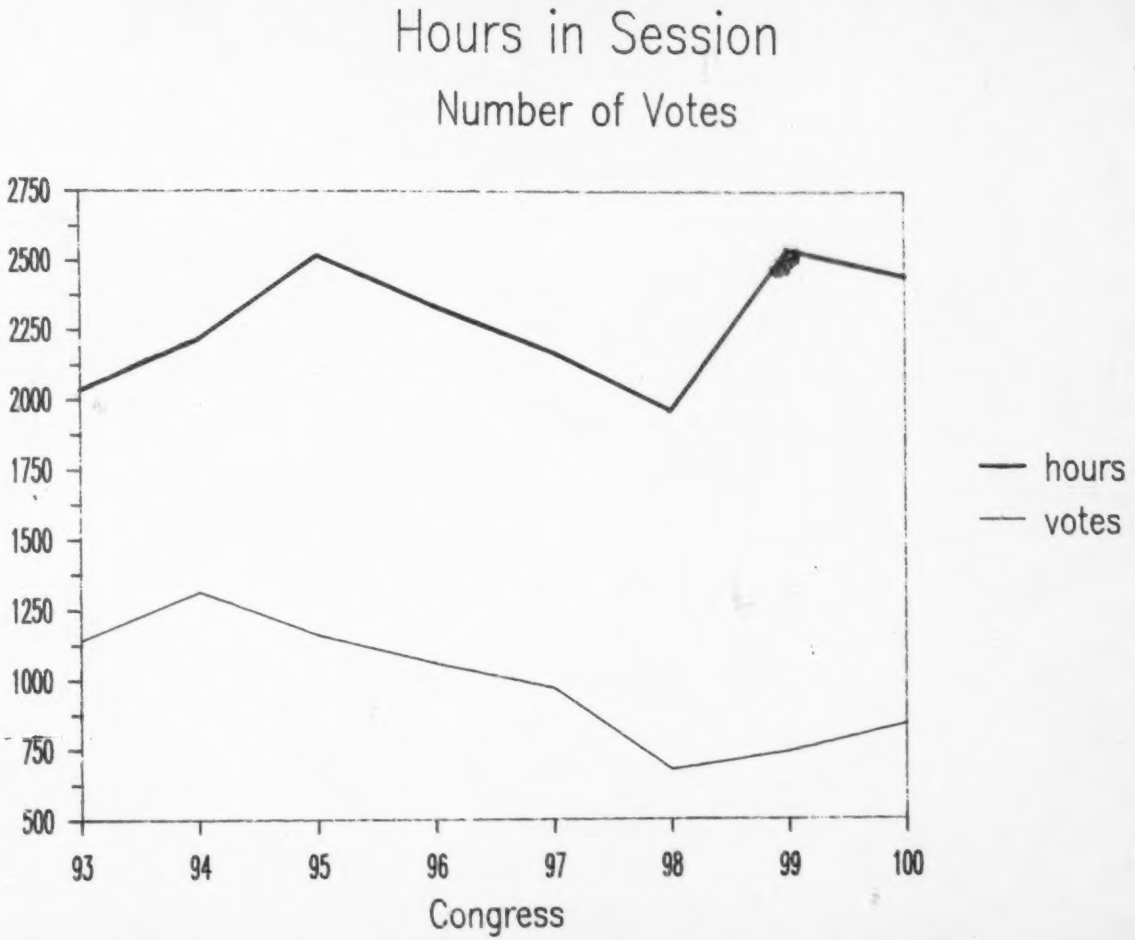
But then it seems like we slip back. I will be honest with you. I do not believe we will make any changes in January or February. The only time to make changes in the United States Senate, with the procedures we use, is when there is pain.

The closer we get to Christmas, and the more that deadlines are not being met, I think the uncertainty will increase the pain. Some December, perhaps, we will have the wisdom to make the necessary changes.

I hope that in this committee's deliberations, Mr. Chairman and members of the committee, that this hearing will bring about a heightened interest in not only what our problems are but in the solutions that I know this committee, in its wisdom, will recommend.

Finally, let me express my personal thanks to Senator Reid of Nevada, who has been chosen by the freshman members of the Senate to represent their class in speaking to this committee about these and other possible rules changes. I appreciate Senator Reid's assistance and I thank all of those members who have supported us in this effort during this year.

Chairman Ford. I thank the Senator.


Hours in Session
Number of Votes
2750
2500
2250
2000
1750
1500
1250
1000
750
500
93
94
95
96
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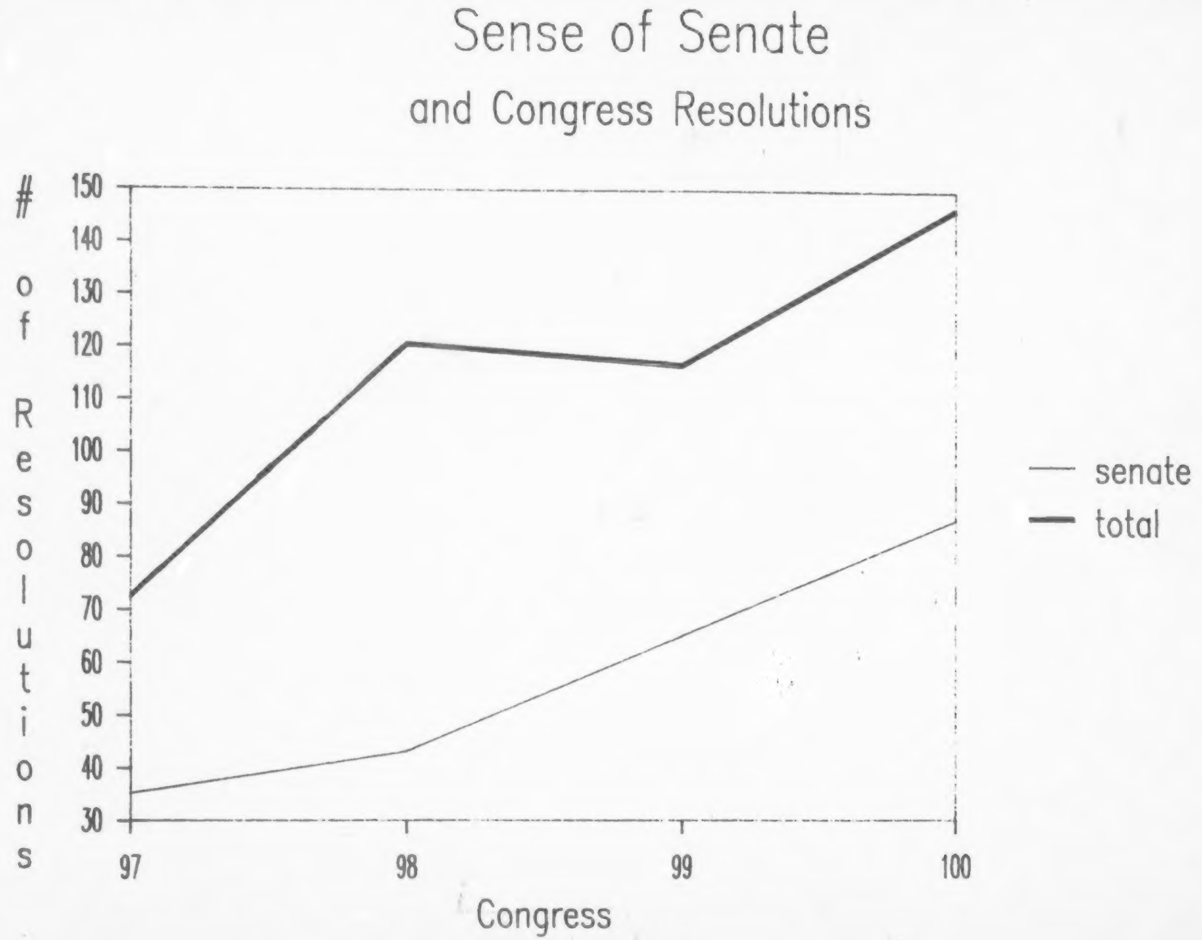
98
99
100
Congress
hours
votes


Sense of Senate
and Congress Resolutions
# of Resolutions
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140
130
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80
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60
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30
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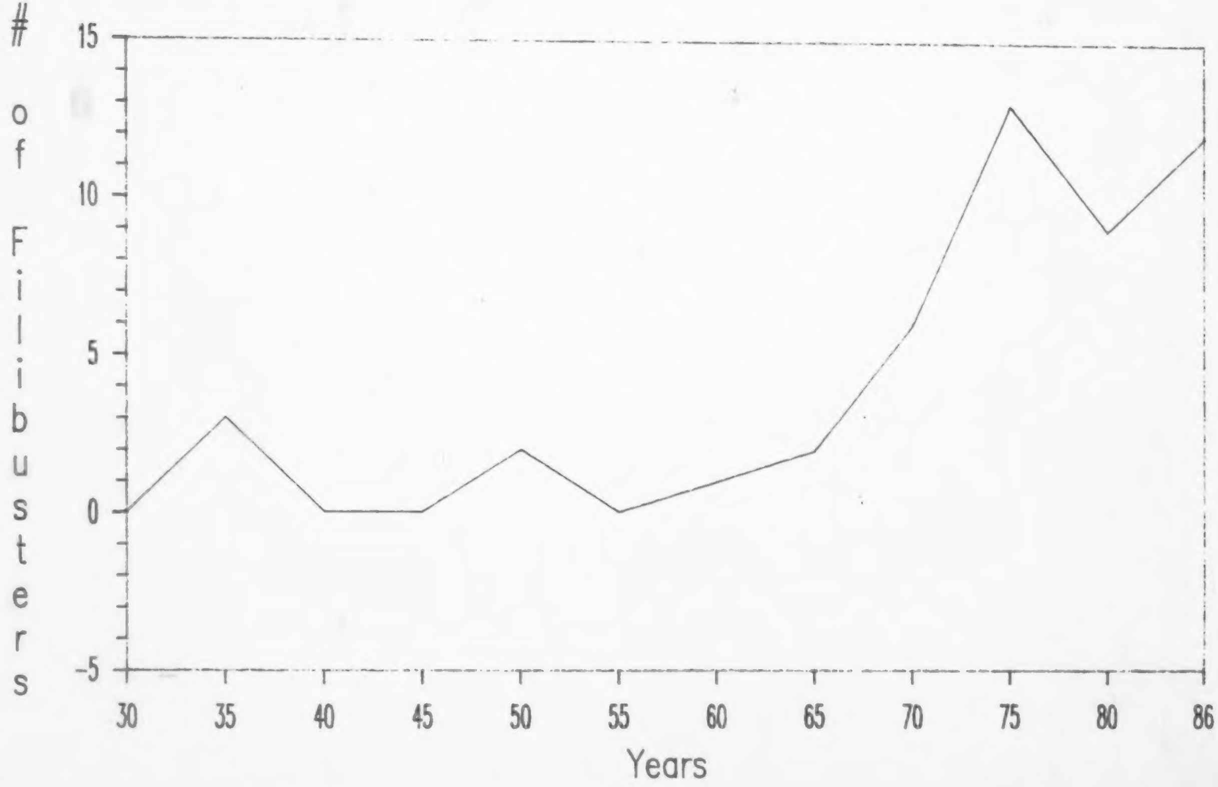
100
Congress
senate
total

Number of Filibusters



Congress	Days in Session	Hours in Session	Hours Per Day in Session	# of Quorum Calls	# of Yea/Nay Votes
90 (67-68)	358	1,961	5.5	128	595
91 (69-70)	384	2,352	6.1	69	667
92 (71-72)	348	2,294	6.6	72	955
93 (73-74)	334	2,028	6.1	60	1,138
94 (75-76)	320	2,210	6.9	155	1,311
95 (77-78)	337	2,510	7.4	90	1,156
96 (79-80)	333	2,324	7.0	61	1,055
97 (81-82)	312	2,160	6.9	66	966
98 (83-84)	281	1,951	6.9	37	673
99 (85-86)	313	2,531	8.1	36	740
100 (87-88)	240	2,434	10.1	72	840

Prepared by the Office of Senator David Pryor

MOTION TO PROCEED SUMMARY

	Total # Motions	Motion Withdrawn	Motion Delayed	Average # Days Delayed	Motion Agreed To
1981	3	1	1	4	1
1982	9	3	3	5	3
1983	14	2	3	16	8
1984	8	2	3	4	3
1985	12	4	2	5	4
1986	2	1	1	8	0
1987	6	0	4	20	5

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Sense of Senate and Congress Resolutions Offered as Amendments

Congress	Total	Roll Call	Voice Vote	No Action	Considered No Vote
97 (81-82)	67	27	17	16	7
98 (83-84)	125	37	55	31	2
99 (85-86)	116	28	60	26	1
100 (87-)	71	15	35	13	8

Average Number of Resolutions Cosponsors
Number of Resolutions with 20+ Cosponsors

	Roll Call	Voice Vote	Other	20 + Cosponsors
1983	7	9	3	5
1984	8	4	0	3
1985	4	2	3	1
1986	9	1	1	2
1987	4	8	3	5

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CLOTURE VOTES

Congress	Attempted	Successful
90 (67-68)	6	1
91 (69-70)	6	0
92 (71-72)	20	4
93 (73-74)	31	8
94 (75-76)	26	16
95 (77-78)	13	3
96 (79-80)	21	10
97 (81-82)	26	8
98 (83-84)	19	11
99 (85-86)	23	10
100 (87-)	23	5

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FILIBUSTERS

Year	Number of Filibusters	Average Length	Least # of Days	Greatest # of Days
1940	0	0	0	0
1941	0	0	0	0
1942	1	9	9	9
1943	0	0	0	0
1944	1	4	4	4
1945	0	0	0	0
1946	2	11	3	18
1947	0	0	0	0
1948	1	5	5	5
1949	0	0	0	0
1950	2	18	11 hrs	25
1951	0	0	0	0
1952	0	0	0	0
1953	1	25	25	25
1954	1	12	12	12
1955	0	0	0	0
1956	0	0	0	0
1957	1	23	23	23
1958	0	0	0	0
1959	0	0	0	0
1960	1	40	40	40
1961	1	3	3	3
1962	2	18	15	21
1963	1	18	18	18
1964	2	55	26	83
1965	2	18	9	26
1966	3	13	2	15
1967	2	14	8	20
1968	2	20	6	34
1969	2	10	7	12

Year	Number of Filibusters	Average Length	Least # of Days	Greatest # of Days
1970	6	28	7	34
1971	4	19	5	32
1972	4	12	5	23
1973	4	8	4	10
1974	7	8	4	17
1975	13	7	2	23
1976	2	11	7	14
1977	4	8	4	14
1978	4	16	2	38
1979	1	21	21	21
1980	9	6	4	12
1981	2	15	8	21
1982	8	6	2	17
1983	4	6	5	7
1984	8	5	3	7
1985	12	7	3	12
1986	13	5	2	9
1987	9	9	2	21

Prepared by the Office of Senator David Pryor

Statement of Senator Harry Reid
before the Committee on Rules and Administration
December 2, 1987

MR. CHAIRMAN. I WAS PLEASED TO JOIN TEN OF MY FELLOW COLLEAGUES OF THE CLASS OF 1987 RECENTLY IN A LETTER REQUESTING THIS HEARING AND I WANT TO THANK THE RULES COMMITTEE ON BEHALF OF ALL THE SIGNATORIES FOR THE OPPORTUNITY TO TESTIFY IN FAVOR OF SENATE RESOLUTIONS 274, 276, 277, AND 309.

WE FULLY UNDERSTAND HOW DIFFICULT, AND EMOTIONAL, PROPOSALS TO CHANGE THE SENATE RULES CAN BE AND WE COMMEND YOU, MR. CHAIRMAN, AND THE COMMITTEE FOR SCHEDULING THESE HEARINGS AND PLEDGING TO ACT ON THE PROPOSALS PENDING BEFORE YOU IN A TIMELY FASHION. I APPEAR BEFORE THE COMMITTEE TODAY BOTH AS AN INDIVIDUAL SENATOR AND AS A REPRESENTATIVE OF THE 1987 CLASS OF FRESHMEN DEMOCRATIC SENATORS. LET ME BEGIN BY MAKING A FEW GENERAL COMMENTS ABOUT OUR EXPERIENCES IN, AND REACTION TO, LIFE IN THE SENATE.

WHILE WE COME FORM A VARIETY OF BACKGROUNDS, EVERY MEMBER OF THE FRESHMAN CLASS WAS MOTIVATED TO SEEK MEMBERSHIP IN THE SENATE BECAUSE WE REVERE THE INSTITUTION AND APPRECIATE ITS ROLE IN SHAPING NATIONAL POLICY. MANY OF US CAME TO THIS BODY FROM THE HOUSE, AND WHILE WE RETAIN A WARM AFFECTION FOR THE "PEOPLE'S CHAMBER," WE RECOGNIZE THAT THE SIZE OF THE MEMBERSHIP, AND THE ASSOCIATED RESTRICTIONS ON DEBATE, MADE IT DIFFICULT FOR A SINGLE

REPRESENTATIVE TO HAVE THE IMPACT ON LEGISLATION THAT ANY SENATOR CAN HAVE. THE FREEDOM OF ACTION ALLOWED BY THE SENATE, AND THE INCREASED ABILITY THAT FREEDOM GIVES US TO INFLUENCE NATIONAL DEBATE, WAS ONE OF THE REASONS MANY OF US CHOSE TO RUN FOR THE SENATE.

I SAY THAT TO MAKE IT CLEAR THAT WE ARE NOT TRYING TO TURN THE SENATE INTO THE HOUSE. SPEAKING FOR MYSELF I HAVE DEVELOPED A GREAT RESPECT, EVEN AWE, FOR THE RULES AND PROCEDURES OF SENATE EVEN AS I AM STILL LEARNING HOW THEY ARE USED. FOR EXAMPLE, I FOUND THAT I HAD TO LITERALLY LEARN ON MY FEET WHEN IT BECAME OBVIOUS RECENTLY THAT, ALONG WITH SENATOR BROCK ADAMS, I WOULD BE INVOLVED IN "EXTENDED DEBATE" ON THE NUCLEAR WASTE ISSUE. I WOULD NEVER HAVE HAD THE OPPORTUNITY TO TAKE THE TIME TO BRING OUT WHAT I THOUGHT WERE MANY IMPORTANT ARGUMENTS ON NUCLEAR WASTE IF I HAD STILL BEEN IN THE HOUSE. I QUICKLY REALIZED THE IMPORTANCE OF MY RIGHT TO UNLIMITED DEBATE.

WE BELIEVE STRONGLY THAT MOST OF THE RULES AND TRADITIONS OF THE SENATE HAVE STOOD THE TEST OF TIME AND CONTINUE TO SERVE US WELL TODAY. FURTHER, WE RECOGNIZE THAT ANY CHANGES IN THE RULES WILL HAVE SIGNIFICANT CONSEQUENCES. THE SENATE RULES REPRESENT A COMPLEX SET OF STANDARDS DESIGNED TO PREVENT CHAOS

WHILE PRESERVING A FULL MEASURE OF INDIVIDUAL FREEDOM. THE RULES ARE A CAREFULLY CRAFTED COMPROMISE DESIGNED TO PROTECT THE RIGHT OF THE MAJORITY TO PREVAIL WHILE PRESERVING THE RIGHT OF A MINORITY TO PROLONG DEBATE IN THE HOPE THAT THE PASSAGE OF TIME WILL ALLOW NEW FACTS AND FORCES TO EMERGE AND INFLUENCE A DECISION.

GIVEN OUR RECOGNITION OF THE ROLE THAT THE RULES PLAY, MR. CHAIRMAN, WE SHOULD SUPPORT CHANGES IN THE SENATE'S RULES THAT IMPROVE BOTH THE ABILITY OF THE SENATE TO CONDUCT THE NATION'S BUSINESS IN A TIMELY AND EFFICIENT MANNER AND THE QUALITY OF LIFE FOR ITS MEMBERS AND THEIR FAMILIES, AS LONG AS THEY DO NOT DO VIOLENCE TO THOSE TRADITIONS THAT PROTECT OUR INDIVIDUAL RIGHTS OR THAT MAKE THE SENATE THE UNIQUE BODY THAT IT IS. WE BELIEVE THE FOUR PROPOSALS BEFORE THE COMMITTEE TODAY MEET THAT TEST. WE WANT TO EMPHASIZE THAT THE SPECIFIC PROPOSALS NOW BEFORE THE COMMITTEE ARE VERY NARROWLY DRAWN AND ARE INTENDED TO AFFECT IMPORTANT BUT TANGENTIAL ELEMENTS OF SENATE OPERATIONS. LET ME BRIEFLY EXPLAIN WHY WE SUPPORT THE FOUR PROPOSALS NOW BEFORE YOU.

SENATE RESOLUTION 274 WOULD REQUIRE THAT AN AMENDMENT IN THE FORM OF A SENSE OF THE SENATE OR CONGRESS RESOLUTION HAVE AT

LEAST 20 COSPONSORS TO BE IN ORDER. MR. CHAIRMAN, UNFORTUNATELY SENSE OF THE SENATE RESOLUTIONS HAVE BECOME A THORN IN THE SIDE OF EFFECTIVE SENATE OPERATIONS. WHILE NOT HAVING THE FORCE OF LAW, THESE RESOLUTIONS HAVE MORE AND MORE OFTEN BECOME THE VEHICLE FOR PUSHING VERY CONTROVERSIAL EXPRESSIONS OF POLICY---POLICY THAT IS OFTEN TOTALLY UNRELATED TO THE LEGISLATION BEFORE THE SENATE. THE RESULT HAS BEEN TO DELAY IMPORTANT PENDING LEGISLATION AND TIE UP THE SENATE FOR HOURS ON END. S. RES. 274 SIMPLY REQUIRES THAT IF SUCH ACTION IS PROPOSED, THE AUTHOR MUST HAVE ONE-FIFTH OF THE SENATE AS COSPONSORS. THIS WOULD BE EVIDENCE THAT A SUBSTANTIAL NUMBER OF SENATORS BELIEVE THAT THE ISSUE IS IMPORTANT ENOUGH TO TAKE UP THE SENATE'S TIME. FURTHER, THIS PROPOSAL FITS WITH THE APPROACH TAKEN BY THE JUDICIARY COMMITTEE, AND ACCEPTED BY THE SENATE, WHICH REQUIRES THAT 50 MEMBERS CO-SPONSOR "MEMORIAL" RESOLUTIONS BEFORE THEY ARE CONSIDERED.

I DO WANT TO MAKE ONE SUGGESTION ABOUT THIS PROPOSAL. WE AGREE WITH THE 20 CO-SPONSOR REQUIREMENT FOR FIRST DEGREE SENSE OF THE SENATE AMENDMENTS. BUT AFTER SUCH AN AMENDMENT IS ON THE FLOOR, WE WOULD SUGGEST THAT THE RULES ALLOW SECOND DEGREE AMENDMENTS, WHICH ARE GERMANE TO THE SUBJECT OF THE FIRST DEGREE AMENDMENT, WITHOUT A CO-SPONSORSHIP REQUIREMENT. THAT SIMPLY

PROTECTS MEMBERS WHO MAY NOT HAVE BEEN AWARE OF THE CONTENT OF THE FIRST DEGREE AMENDMENT AND MAY FEEL A NEED TO RESPOND TO IT QUICKLY ON THE FLOOR.

A SECOND SENATE RESOLUTION, S. RES. 276, REQUIRES ROLL CALL VOTES TO BE LIMITED TO 15 MINUTES. THERE ARE OBVIOUSLY TIMES WHEN ROLL CALL VOTES SHOULD BE EXTENDED BEYOND 15 MINUTES AND THIS CAN BE DONE BY UNANIMOUS CONSENT, BUT HOURS AND HOURS OF THE SENATE'S TIME IS BEING WASTED IN EXTENDED ROLL CALL VOTES WHILE WE WAIT FOR ONE OF OUR COLLEAGUES TO "MAKE A VOTE". OUR VOTING RECORDS ARE IMPORTANT AND I DON'T WANT TO CAUSE ANY SENATOR TO MISS A VOTE, BUT I AM WILLING TO TAKE MY CHANCES ON MAKING VOTES WITHIN THE FIFTEEN MINUTES ALLOTTED AND I BELIEVE THAT WE OWE IT TO THE MAJORITY WHO ALWAYS MEET THE 15 MINUTE ROLL CALL TO REQUIRE THAT EVERYONE DO IT.

ALL THAT WE ARE TRYING TO ACCOMPLISH WITH THIS RESOLUTION IS TO STRICTLY ENFORCE THE RULE WITH RESPECT TO TIME LIMITS FOR VOTES. IF THE COMMITTEE BELIEVES THAT 15 MINUTES IS TOO SHORT A TIME PERIOD, IT CAN CERTAINLY BE INCREASED.

SENATE RESOLUTION 277 REQUIRES THAT LEGISLATION BE AMENDED IN AN ORDERLY FASHION. COMMITTEES REPORT LEGISLATION TO THE FULL

SENATE BY TITLE OR SECTION. IF AMENDMENTS WERE REQUIRED TO BE OFFERED IN THE ORDER THAT THESE TITLES APPEAR IN THE LEGISLATION IT WOULD HELP SENATORS SCHEDULE THEIR TIME. THERE ARE MANY TIMES WHEN A PARTICULAR SECTION OF LEGISLATION IS OF VITAL IMPORTANCE TO AN INDIVIDUAL SENATOR AND IF THE LEGISLATION IS CONSIDERED TITLE BY TITLE OR SECTION BY SECTION, ANY SENATOR COULD BE SURE THAT HE OR SHE WAS AVAILABLE FOR THE CONSIDERATION OF THAT SECTION. HE OR SHE COULD THEN ATTEND TO OTHER DUTIES SUCH AS COMMITTEE MEETINGS WHILE OTHER PARTS OF THE LEGISLATION WERE BEING CONSIDERED. WE WOULDN'T HAVE UNNECESSARY DELAYS WHILE WAITING FOR SENATORS TO ARRIVE ON THE FLOOR TO DEBATE AN AMENDMENT THAT SUDDENLY DROPPED OUT OF THE BLUE AND WAS UNRELATED TO THE SUBJECT MATTER AT HAND.

THE FINAL PROPOSAL BEFORE THE COMMITTEE TODAY IS PERHAPS THE MOST CONTROVERSIAL. S. RES. 309 WOULD LIMIT TO TWO HOURS DEBATE ON THE MOTION TO PROCEED, TO BE DIVIDED BETWEEN THE MAJORITY AND MINORITY LEADER ON ANYTHING OTHER THAN A PROPOSED RULE CHANGE. THERE ARE TIMES WHEN ALMOST ANY SENATOR WILL FIND IT NECESSARY TO SLOW DOWN SENATE ACTION ON A PROPOSAL. AS I MENTIONED EARLIER, I USED MY PRIVILEGE OF UNLIMITED DEBATE MUCH SOONER THAN I EVER EXPECTED THAT I WOULD. I LEARNED QUICKLY HOW IMPORTANT THAT RIGHT IS AND I WANT TO PROTECT IT. HOWEVER, I

CHOSE NOT TO TRY AND DELAY THE MOTION TO PROCEED BECAUSE (1) I WANTED TO DEBATE THE SUBJECT MATTER OF THE LEGISLATION I OPPOSED, AND (2) IF I HAD THE SUPPORT OF A SUFFICIENT NUMBER OF MY COLLEAGUES I COULD HAVE DEBATED THE ISSUE AS LONG AS I WISHED. DEBATING THE MOTION TO PROCEED GAINS LITTLE UNLESS YOU HAVE THE SUPPORT OF 40 OTHER SENATORS. IT SIMPLY LEADS TO THE FILING OF MULTIPLE CLOTURE PETITIONS AND AN EXTRA VOTE OR TWO. MOST IMPORTANTLY THE DEBATE IS NOT ON THE SUBSTANCE OF THE ISSUE AS IT SHOULD BE. WE KNOW THAT THERE WILL BE MANY IN THE SENATE THAT ARE LOATH TO GIVE UP THEIR RIGHT TO DEBATE THE MOTION TO PROCEED, BUT WE ARE CONVINCED THAT IT WILL NOT DAMAGE OUR INDIVIDUAL RIGHTS TO UNLIMITED DEBATE.

MR. CHAIRMAN. WE DON'T BELIEVE THAT ANY OF THE PROPOSED RULE CHANGES HARM THE SENATE OR THE RIGHTS OF ANY SENATOR; AT THE SAME TIME THEY WILL IMPROVE THE SENATE'S ABILITY TO MEET ITS RESPONSIBILITIES IN A TIMELY AND EFFICIENT MANNER AND IMPROVE OUR "QUALITY OF LIFE." WE SUPPORT THEM AND WE URGE THE COMMITTEE TO GIVE THEM FAVORABLE CONSIDERATION.

SENATOR FRANK H. MURKOWSKI
TESTIMONY BEFORE SENATE RULES COMMITTEE
DECEMBER 2, 1987

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE TO DISCUSS THE QUALITY OF LIFE IN THE SENATE.

OVER THE PAST FEW MONTHS, I HAVE CONFERRED WITH A GROUP OF CONCERNED SENATORS, INCLUDING

* SENATOR FORD
* SENATOR PRYOR
* SENATOR DANFORTH
* SENATOR EVANS
* SENATOR BREAUX

WE HAVE DISCUSSED WITH THE MAJORITY AND REPUBLICAN LEADERS A VARIETY OF SUBJECTS, SOME SHORT TERM AND OTHERS THAT ARE MORE LONG RANGE....BUT ALL RELATING TO HOW THE SENATE CONDUCTS ITS BUSINESS. OUR RECENT CONCERNS RELATED TO THE SCHEDULING OF THANKSGIVING RECESS, AND THE CONVENING OF 2ND SESSION. BUT WE

HAVE ALSO TALKED ABOUT A NUMBER OF LONGER RANGE CONSIDERATIONS, AND I WILL TOUCH ON SOME OF THESE IN MY TESTIMONY TODAY.

FIRST LET ME SAY THAT IT IS APPROPRIATE THAT THE RULES COMMITTEE IS SEEKING SUGGESTIONS ON IMPROVING THE WAY THE SENATE OPERATES, AND I COMMEND THE COMMITTEE FOR TAKING ON THIS IMPORTANT ASSIGNMENT.

I SHARE THE RESPECT THAT THIS COMMITTEE HAS FOR THE TRADITIONS OF THE SENATE. I ALSO KNOW THAT WE CAN IMPROVE THE QUALITY OF LIFE IN THE SENATE WITHOUT UNDERMINING THOSE TRADITIONS THAT MAKE THE SENATE SUCH AN IMPORTANT FORUM FOR DEBATE.

I APPEAR BEFORE THE COMMITTEE AS RANKING MEMBER OF THE VETERANS AFFAIRS COMMITTEE, AND ALSO AS A SENATOR FROM THE WEST...THE FAR WEST!

I STRONGLY BELIEVE THAT ANY CHANGES IN SENATE RULES, OR ANY CHANGES IN HOW THE DAILY BUSINESS OF THE SENATE IS CONDUCTED SHOULD FOCUS ON ONE PRIMARY OBJECTIVE:

TO ESTABLISH MORE CERTAINTY IN SCHEDULING OUR TIME.

THIS OBJECTIVE IS IMPORTANT FOR A NUMBER OF REASONS, SOME OF WHICH INVOLVE HOW WE SERVE OUR CONSTITUENTS, OTHERS INVOLVE PERSONAL AND FAMILY CONCERNS.

WITH REGARD TO OUR CONSTITUENTS, IT IS MOST DIFFICULT TO ARRANGE TRAVEL PLANS TO MY STATE, OR TO OTHER STATES THAT ARE MORE THAN 2,000 MILES FROM WASHINGTON, D.C., ON SHORT NOTICE.

WE HAVE AN OBLIGATION TO WORK IN OUR STATES WITH CONSTITUENT GROUPS, AND AT TIMES TO HOLD FIELD HEARINGS ON MATTERS AFFECTING OUR STATES. NOT HAVING A SENSE OF WHEN THE SENATE WILL RECESS OR ADJOURN, PUTS US IN THE DILEMMA OF HAVING TO ROLL THE DICE ON SCHEDULING EVENTS BACK HOME. SOME OF US HAVE EXPERIENCED THE FRUSTRATION OF SETTING FIELD HEARINGS AND THEN HAVING TO CANCEL OR REARRANGE THE TIMES BECAUSE AN EXPECTED SENATE RECESS DID NOT MATERIALIZE.

FOR EXAMPLE, OCTOBER IN ALASKA IS A TIME FOR MAJOR INTEREST GROUP CONVENTIONS. THE ALASKA FEDERATION OF NATIVES, LOGGERS ASSOCIATION, THE MINERS ASSOCIATION, THE STATE CHAMBER OF COMMERCE, AND THE MUNICIPAL LEAGUE, TO NAME JUST A FEW, GENERALLY SCHEDULE THEIR ANNUAL CONVENTIONS IN OCTOBER. OVER THE YEARS, I HAVE HAD TO CANCEL APPEARANCES WITH EACH OF THESE GROUPS DUE TO THE UNPREDICTABILITY OF THE SENATE SCHEDULE. MANY OF MY

COLLEAGUES, WHOSE STATES ARE WITHIN AN HOUR OR TWO'S FLIGHT FROM WASHINGTON, D.C., MAY NOT BE ABLE TO RELATE TO MY PARTICULAR SCHEDULING FRUSTRATION. BUT, AS THIS COMMITTEE REVIEWS QUALITY OF LIFE ISSUES, PLEASE BEAR IN MIND THAT THOSE OF US FROM THE WEST MUST CONFRONT REAL TRAVEL PROBLEMS.

DESPITE THE USE OF THE ELECTRONIC MEDIA TO HELP US COMMUNICATE WITH OUR CONSTITUENTS, I BELIEVE THAT DIRECTLY VISITING WITH ALASKANS AND HEARING WHAT'S ON THEIR MINDS IS A BETTER WAY FOR ME TO SERVE THEM IN THE SENATE.

RECENTLY I MET WITH ALASKA FEDERAL WORKERS IN ANCHORAGE ON BUDGET ISSUES, INCLUDING MY PROPOSAL TO FREEZE COLA'S ACCROSS-THE-BOARD. I'M NOT SAYING THAT I CONVINCED ALL THOSE IN THE MEETING, BUT WE ALL CAME AWAY WITH A BETTER UNDERSTANDING OF EACH OTHER'S POINT OF VIEW.

BETTER SCHEDULING OUR TIME ALSO WOULD IMPROVE THE AMOUNT OF TIME WE HAVE TO SPEND WITH OUR FAMILIES.

SPECIFIC RECOMMENDATION FOR SCHEDULING TIME:

I SUGGEST THAT BEGINNING NEXT SESSION, THE SENATE DEVELOP A LONG RANGE SCHEDULE TO WORK THREE FULL WEEKS, AND THEN RECESS FOR

THE FOURTH WEEK (OBVIOUSLY WORKING THIS SCHEDULE AROUND NATIONAL HOLDIAYS, AND EMERGENCIES AS THEY MAY ARISE.)

UNDER THIS PROPOSAL, EACH SENATE WORK WEEK SHOULD CONSIST OF ALL DAYS OF THE WEEK, INCLUDING VOTES ON MONDAYS AND FRIDAYS.

THIS PROCEDURE WOULD ACCOMPLISH THE GOAL OF ALLOWING ALL SENATORS TO KNOW WELL IN ADVANCE WHEN TO SCHEDULE FIELD HEARINGS, AND OTHER ACTIVITIES IN THEIR STATES, OR ELSEWHERE.

FOR SENATORS FROM THE WEST, SUCH A SCHEDULE WOULD HELP ALLEVIATE THE NEED FOR RUSHED VISITS BACK HOME, OR ALL.NIGHT FLIGHTS BACK TO WASHINGTON.

SUGGESTIONS FOR RULE CHANGES

I UNDERSTAND THAT THE RULES COMMITTEE HAS SCHEDULED HEARINGS IN JANUARY TO EVALUATE THE OVERALL COMMITTEE SYSTEM IN THE SENATE.

THIS WILL BE A MAJOR TASK, AND I HOPE THAT THE COMMITTEE WILL TAKE A HARD LOOK AT SOME OF BOLD IDEAS THAT I'VE HEARD DISCUSSED OVER THE YEARS:

IDEAS LIKE ADOPTING A TWO YEAR APPROPRIATIONS AND BUDGET CYCLE. OR, MERGING THE APPROPRIATIONS FUNCTION INTO THE AUTHORIZATION COMMITTEES. THESE CONCEPTS ARE CERTAINLY WORTHY OF YOUR CONSIDERATION.

ANOTHER IDEA I SUGGEST YOU CONSIDER IS BETTER STRUCTURING OF FLOOR DEBATE ON LEGISLATION.

BILL MANAGERS AND FLOOR LEADERS ARE NEVER CERTAIN HOW MANY AMENDMENTS OR HOW MUCH TIME MAY BE CONSUMED IN DEBATE. WHILE THE TRADITION OF UNLIMITED DEBATE IS IMPORTANT TO THE SENATE, WE MUST ALSO GET THE NATION'S BUSINESS DONE EFFICIENTLY, IF POSSIBLE.

PERHAPS A SYSTEM CAN BE DEVISED WHEREBY EACH AUTHORIZING COMMITTEE SHOULD ESTABLISH A GENERAL TIME AGREEMENT WHEN THE COMMITTEE REPORTS A BILL TO THE SENATE FOR CONSIDERATION.

A PROPOSED TIME AGREEMENT COULD ACCOMPANY THE COMMITTEE REPORT, WHICH WOULD IDENFITY SPECIFIC AMENDMENTS THE BILL MANAGERS EXPECT TO BE DEBATED, AND WHICH COULD SET SOME GOALS FOR THE TIMING OF DEBATE AND POSSIBLE LENGTH OF DEBATE ON SPECIFIC AMENDMENTS. GIVEN THE IMPORTANCE OF PROTECTING THE RIGHTS OF SENATORS TO REPRESENT MINORITY VIEWS, SUCH AN AGREEMENT MIGHT NOT BE BINDING, BUT IT WOULD AT LEAST DO SEVERAL THINGS:

FIRST, IT COULD FORM THE BASIS OF A UNINAMOUS CONSENT TIME AGREEMENT, FORMALLY ADOPTED BY THE SENATE AT SOME POINT IN THE DEBATE ON A BILL. IN OTHER WORDS, THE COMMITTEE WOULD FIRST GIVE US THE BASIC ROAD MAP, AND ESTIMATED TIME OF ARRIVAL, BUT SOME OF THE SIDE STREETS AND DETOURS MAY HAVE AWAIT ACTUAL FLOOR DEBATE.

SECONDLY, IF SUCH A PROPOSED TIME AGREEMENT ACCOMPANIED EACH COMMITTEE REPORT, ALL SENATORS WOULD BE ON NOTICE REGARDING THE GENERAL TIME FRAME WITHIN WHICH A MEASURE WILL BE DEBATED.

I RECOGNIZE THAT THERE WILL BE OBVIOUS DISADVANTAGES TO THE IDEA OF A COMMITTEE TRYING TO DEVELOP A TIME AGREEMENT BEFORE SENATE DEBATE BEGINS ON A MEASURE. CLEARLY, MANY BILLS WILL NOT REQUIRE THIS KIND OF EFFORT.

BUT, AS THIS COMMITTEE CONSIDERS A WIDE VARIETY OF IDEAS THAT COULD IMPROVE THE WAY WE DO BUSINESS, I ASK THAT YOU GIVE SOME THOUGHT TO THE STRUCTURING OF FLOOR DELIBERATIONS.

AGAIN, I THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY.

Statement given by Marilyn Tucker Quayle

Statement by
Ladies of the Senate "Quality of Life Committee" *

Submitted to
Committee on Rules and Administration
United States Senate

December 2, 1987

Mr. Chairman, we on the Ladies of the Senate Quality of Life Committee have a longstanding interest in the matter of Senate scheduling. Admittedly, our approach to this subject is, in part, selfish. Yes, we too are concerned about legislative efficiency and Senatorial decorum. But our principal concern is to improve the quality of life for our own and our staffs' families by snatching some measure of predictability and order from the jaws of the Senate's calendar chaos.

Our recommendations to the Rules Committee focus on two priority areas: (1) planning for recesses, and (2) scheduling of late-night sessions. The recommendations presented here reflect concerns and issues surfaced in a recent survey of current Senate spouses. (See page 4.)

General Recesses

We propose (a) that the incoming leadership set the Senate's general two-year schedule at the outset of each new Congress; (b) that the two major Jewish holy days be

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* Committee Members

B.A. Bentsen
Peatsy Hollings
Marilyn Tucker Quayle
Catherine Stevens

recognized as formal Senate holidays; and (c) that the dates of all recesses scheduled around holiday periods be voted on by the membership and, hence, considered fixed and untouchable.

The reasons for these recommended changes are legion. For sake of brevity, we will touch on only a few of them.

One chronic and wasteful drawback of the current practice of scheduling/delaying/advancing/rescinding/rescheduling recesses is that it plays havoc with offices' attempts to plan meetings with constituents back home -- for instance, town meetings. In some cases, long-scheduled meetings must be cancelled because of last-minute changes in the Senate calendar. In other cases, opportunities to schedule meetings are missed because the Senate decides only at the last minute to schedule non-voting days. Most organizations require three to six months' notice in scheduling a major meeting. Under current conditions, Senators rarely dare to make firm commitments even one week in advance, much less six months.

In addition, Senate families' efforts to plan vacations during holiday periods are frequent casualties of the current catch-as-catch-can system. Airline "super savers" are available only with purchase well in advance, and cancellations result in loss of money and the inability to book alternative travel arrangements. It is virtually impossible, these days, to change reservations close to major holiday periods.

Late-Night Sessions

On the matter of late-night sessions, we propose that Tuesday and Wednesday evenings be set aside as "family evenings" when the Senate must recess no later than 6:00 p.m. Other evenings would be open for late-night sessions, though we also propose that all Senate offices be notified no later than 2:00 p.m. of the expected hour of adjournment.

To put it mildly, these simple changes would work a revolution in the Senate. Members and staff could actually plan dinners with their families. They could arrange dinners for colleagues or constituents and actually attend the dinner themselves -- and on time! They could buy and actually use theater tickets, and attend their sons' and daughters' school events. Staff members could sign up for university classes with confidence of actually being able to attend them on a regular basis. In short, we would all be able to lead more normal, predictable lives.

Mr. Chairman, we have many more proposals and suggestions for enhancing the quality of life for Senators and their staffs. However, the agenda we have presented this morning represents the bare minimum requirements for a sane and livable Senate schedule. For all our sakes, we hope the Rules Committee will respond favorably to our recommendations.

# # #

Survey taken of 86 Senate wives;
70 live in greater D.C. area;
41 responded in a supportive manner;
29 did not respond.

Statement of Senator Brock Adams
before the Committee on Rules and Administration
December 2, 1987

Statement
submitted for
hearing record

Mr. Chairman, I am happy to welcome my collegues here this morning to testify on Senate resolutions 274, 276, 277, and 309. I thank the Chairman for scheduling these hearings and I hope we can consider these important resolutions in a timely fashion.

I am particularly pleased to welcome my friend from Nevada, Senator Reid. I fully support Senator's Reid's statement on behalf of the newly elected Democratic Senator's. We have given these resolutions serious thought and I hope the committee and the full Senate will benefit from the unique perspectives we bring to this discussion as new members. I also promise you that Senator Reid and I will not take this opportunity for an extended debate.

I would also like to congratulate the authors of these resolutions for the forsight and thought they have shown in their leadership on this issue. Senators Danforth and Pryor are to be commended for taking the time to deal with the unglamorus task of considering the Senate rules.

I support these rules changes because I think they are a small step which will not disrupt the cherished traditions of this great body. But all traditions can use occasional updating. I hope by making some minor changes we can improve the smooth flow of legislation through the Senate. I know I am joined by many of my colleques on both sides of the aisle in my frustration with the pace of our deliberations on many issues. I think we could better serve the nation and ourselves if we make some changes in the way we operate. I think these changes will have an impact without infringing on the rights of members which are so rightfully valued in the Senate.

Again, I thank the Chairman for his interest and I hope the full committee will report out the resolutions as expeditiously as possible after careful consideration.

Senator Mark O. Hatfield

Statement submitted
for hearing record

Statement Before Rules Committee

December 2, 1987

Mr. Chairman:

Senators Byrd and Pryor are to be congratulated for addressing the need in the Senate to expedite debate by their introduction of the four resolutions under consideration by the Committee today. And our Chairman is to be congratulated for scheduling hearings to receive testimony on these measures.

Efficiency is not necessarily the chief goal of the legislative process. We all know that the Senate was created, in part, to slow that process in order to avoid the passage of bad legislation in the temporary heat of fervent public sentiment. The chief goal of the legislative process is quality in our legislation.

But efficiency and quality are not mutually exclusive goals. The slow process by which a master craftsman creates a work often is comprised of many, very efficiently executed, small steps. Such should be the makeup of the process by which we craft public laws. The procedures that permit full debate, that give attention to minority concerns, that invite creativity, should be orderly and understandable.

That is not the picture projected by the Senate to its observers. And that is not the experience of the Senators who live and work in this institution.

I support all of the four resolutions before the committee today, but want to take special note of two of them: S. Res. 277 and S. Res. 309. The first, S. Res. 277, requires the Senate to consider amendments in the order of the appearance of the sections of the measure to which they are offered. As the manager of appropriations bills for four years for the majority, and now as the manager of those bills for the minority, I can share innumerable instances of terrible frustration when the Committee literally was wrenched from one end of a major bill to the other; when the Senate wasted hours trying to tailor the agenda for considering a bill to the personal schedules of 100 peripatetic Senators.

At those times we frequently hear someone remark: "this is no way to run a railroad;" and that is a very apt analogy. A train going from Washington to Boston doesn't travel to New York, then back track to Philadelphia before moving on to New Haven. And we should not start consideration of a bill at Title 6, then move to Title 8, and back to Title 1 before returning to Title 6. Such a practice makes no sense, creates bad legislation, slows the legislative process and frustrates the members.

S. Res. 309 proposes another important reform: limiting debate on the motion to proceed to consider a bill. Frankly, to our constituents this matter of debating whether to debate a particular measure must be the most ridiculous example of all the inexplicable, esoteric practices of this institution.

Senate rules require a motion to proceed in order to protect the rights of members to know what measures are about to be considered and to have the opportunity to object to their consideration and to obtain a roll call vote on that objection. If a member wishes to engage in extended debate of a measure on the floor, Senate rules give us that incomparable right, sometimes called the filibuster. That right is fully protected.

It is not necessary, and it is not right, however, that Senate practice has evolved in such a way as to make available two opportunities for extended debate on each measure. There comes a time when we all must "lay down our arms" in a legislative battle and admit defeat. Unlimited debate on the motion to proceed does not prevent defeat, it merely delays the day of reckoning, pushes the Senate schedule further and further behind, blocks the opportunity for full and necessary debate of other critical issues, and ultimately does damage to the public support for the legislative process, so necessary for laws to carry authority under our Constitution.

The resolutions before us deserve the support of the Committee and of the whole Senate. Once again, my congratulations to the sponsors and the chairman and ranking minority member of this committee for addressing some of the weaknesses in Senate rules.

Statements
Hearing on
Senate Resolution 260
and
Senate Bill 1835
May 17, 1988

STATEMENT
OF
CHAIRMAN WENDELL H. FORD
COMMITTEE ON RULES AND ADMINISTRATION

Hearing on S. Res. 260 and S. 1835
Tuesday, May 17, 1988

We have before us this morning Senate Resolution 260, to amend Rule 25 of the Standing Rules of the Senate, and S. 1835, a bill dealing with continuing resolutions.

Senate Resolution 260 would create a committee on national priorities made up of legislative committee chairmen and ranking members which would give overall direction to Senate policy consideration; it would combine the appropriation and authorization functions in legislative committees; it would modify the rules on committee membership; and it would redesignate Senate committees.

The bill, S. 1835, would require that continuing resolutions to make appropriations be divided into titles corresponding to the customary appropriation bills and that each of the titles be treated as a separate bill or resolution.

There have been a number of proposals in recent years to change the rules of the Senate pertaining to committee jurisdiction and membership as a means to improve Senate

EFFICIENCY AND EFFECTIVENESS. WHILE THERE MAY BE SOME JURISDICTIONAL AND MEMBERSHIP PROBLEMS, I BELIEVE THAT THESE ARE MINIMAL OR CAN BE RESOLVED WITHIN THE PRESENT SYSTEM. IN PARTICULAR, MOST PROBLEMS RELATING TO COMMITTEE MEMBERSHIP ARE THE RESULT OF EXCEPTIONS TO THE PRESENT RULES - NOT THE RULES.

IT IS CLEAR TO ME THAT NO REAL PROGRESS CAN BE MADE TO IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE SENATE UNTIL, AND UNLESS, THE SENATE HAS THE COLLECTIVE WILLPOWER TO ENFORCE ITS RULES. NO CHANGE IN THE RULES WILL SUCCEED IN IMPROVING THE OPERATION OF THE SENATE UNLESS ITS MEMBERS ARE COMMITTED TO IMPLEMENT ITS RULES WITHOUT EXCEPTIONS AND ARE WILLING TO FOREGO PERSONAL PREROGATIVES TO ASSURE ITS EFFICIENT OPERATION. UNTIL AT LEAST TWO THIRDS OF THE SENATE ARE COMMITTED TO GIVE HIGHEST PRIORITY TO IMPROVING THE EFFECTIVENESS AND EFFICIENCY OF THIS BODY, WE WILL CONTINUE TO HAVE DIFFICULTY IN MAKING ANY MEANINGFUL OR LASTING IMPROVEMENTS.

I WISH TO COMMEND THE SPONSORS OF THESE MEASURES FOR THE THOUGHTFUL CONSIDERATION THEY HAVE GIVEN TO THEIR PROPOSALS. ALTHOUGH WE MAY NOT ALL AGREE ON WHETHER RULES CHANGES ARE NEEDED, WE DO SHARE THE GOAL OF MAKING THE SENATE A MORE EFFECTIVE AND EFFICIENT DELIBERATIVE BODY.

SENATOR TED STEVENS

OPENING STATEMENT FOR RULES COMMITTEE HEARING

TUESDAY, MAY 17, 1988

I want to commend the Chairman of the Rules Committee, Senator Ford, for holding this second hearing on proposals to reform the Senate's procedures and committee system.

I share the Chairman's conviction that the time has come to address the frustration of many Senators with the repetitive consideration of the same issues during a single session of Congress.

An example of this repetition is the Senate's consideration of our national defense budget. Last year alone, the defense level for FY 1988 was considered five different times: during debate on the budget resolution; during consideration of the Department of Defense Authorization bill; in the Appropriations subcommittee on which I serve; during consideration of the Gramm-Rudman-Hollings amendments; and in the budget summit negotiations between the White House and Congress.

This frustrating and time-consuming duplication has not been limited to defense issues; it affects every function of government.

Together with senators' numerous committee and sub-committee assignments, this time-consuming duplication has resulted in an increasingly inefficient and ineffective legislative process.

In addition to the direct consequences this has on the legislative business of the nation, we also ought to be concerned about losing the talents of experienced Senators, as well as others who might aspire to Senate seats. The various quality of life task forces have been discussing these issues for the past couple of years.

Another concern we ought to give serious thought to is what effect this duplication and inefficiency is having on the confidence of the American public. When the public sees the Senate taking up the same issues over and over again this must have a negative effect on their confidence in the Senate's ability to deal decisively and effectively with our nation's business.

The need to remedy duplication and ineffectiveness in our procedures has been formally addressed by our colleagues several different times in recent years. In 1977 the Senate adopted an extensive restructuring of the committee system, based in large part on the work of the Stevenson Committee.

In 1983 former Senators Pearson and Ribicoff presented to the Senate a comprehensive report recommending reforms of Senate procedures and a restructuring of our Senate committee system to make it more effective.

The next year, in 1984, extensive consideration was given to reforming the Senate committee system by the Temporary Select Committee to Study the Committee System, chaired by Senator Quayle. Our former Republican Leader, Senator Howard Baker, lead off those hearings by expressing his hope that the Senate could find a way to consolidate the functions of its committees, or coordinate them more efficiently.

Today, we will consider S. 1835, introduced by Senator Evans and S. Res. 260, introduced by Senators Kassebaum and Inouye. Senator Evans' proposal addresses concerns about the use of omnibus continuing resolutions in the Appropriations process. The Kassebaum-Inouye resolution proposes a major streamlining of the Senate committee structure. I commend all three of my colleagues for the serious thought and attention they have obviously devoted to improvement of this institution.

May 17, 1988, Hearing pg 4

It remains to be seen what proposals our Rules Committee hearings will generate. The proposals we will hear about today, and others offered in recent years, have varied greatly in their approach to reforming our committee system and rules. However, one thing they have all had in common, is their recognition that our current committee system and rules of procedure are deficient; and that our processes are not allowing this great institution to function at its full potential.

I look forward to working with the Chairman, members of the Rules Committee, and all our colleagues on these important issues.

Committee on Rules and Administration
United States Senate

May 17, 1988

Opening Statement
Senator Nancy Landon Kassebaum

Neither Senator Inouye nor I believe the measure we have drafted is perfect. We have, however, given a great deal of thought to the question of how best to reform the policy-making machinery of Congress. Our suggested approach to that task is embodied in S.Res. 260. It involves some major changes in the organizational structure of the Senate as well as realignments in the authority and jurisdiction of standing committees. However, before addressing the specific provisions of S.Res. 260, I would like to make a few general observations about the need for procedural reform.

Much has been written lately about the level of discontent around this body. The bulk of that commentary has focused on the so-called "quality of life" issue. While I agree that quality of life is important, I believe there are much more basic and compelling reasons why reform is imperative.

If Congress hopes to function effectively as a co-equal branch of government, institutional reform is a necessity. Unlike the executive branch, which acts on the authority of the President, Congress can only act through consensus. Finding consensus among 535 people is never an easy undertaking. The process used to achieve consensus should not make the task more difficult.

The Senate must, of course, have rules and procedures. Without structure, orderly deliberations would be impossible. However, if those rules ignore the need for efficient action, the Senate will be largely limited to a role of reacting to administration policy initiatives rather than fulfilling our constitutional obligation, which is setting policy. That is the primary reason why I believe reform is not only necessary but imperative.

The task is not impossible. Given a workable legislative format, 100 senators can participate in making policy. I would suggest, however, that there is no conceivable format under which 100 senators can lead in making policy. Unfortunately, I believe that is exactly what we are trying to achieve under existing rules and procedures.

All of us may have been created equal, but all U.S. senators cannot hold equal power. We elect leaders--majority and minority leaders, committee chairmen and ranking members--but some of us don't want to let them lead.

I know of no serious enterprise--private or public, profit or nonprofit, military or civilian, domestic or foreign--other than the U.S. Senate, where reforms have been undertaken with the avowed intent of making everyone chiefs and eliminating all the Indians. That, however, is exactly what we have been attempting to do for the past 20 years. Unfortunately, we have been quite successful, and the result is verging on chaos.

Mr. Chairman, I realize the Senate has a long tradition of affording procedural protections to all members. That practice, perhaps more than any other, serves to distinguish the Senate from other legislative bodies. As a member of a minority party, I fully appreciate the importance of such protections. I would suggest, however, that there is a distinction between accommodating divergent views and accommodating dilatory intent.

In "pre-Watergate reform days," when this balance was lost, the Senate--tradition notwithstanding--usually acted to assert itself on the side of legislative efficiency. Even the most sacred of traditional Senate protections--the filibuster--was modified in the name of efficiency in 1975, when the vote required to invoke cloture was reduced from two-thirds to three-fifths.

Today, we face a legislative crisis much more serious than the one that precipitated the modification of cloture. Put simply, Congress is losing its ability to make policy. That failure does not mean that government policy-making will cease. As long as we have an executive branch we will have national policies. The Pentagon, for example, is fully capable of formulating and implementing national defense policy. Our failure to act simply means Congress will neither prescribe nor oversee government policies. That, I suggest, has begun to happen.

It is vital that Congress begin reasserting its constitutional prerogatives in the area of policy formulation and oversight. That, I believe, can only happen if we are willing to modify our framework of procedures and practices to increase the efficiency of the deliberative process. It is in the hope of furthering that objective that the senator from Hawaii and I introduced S.Res. 260.

Our measure attempts to improve legislative efficiency by, first, vesting responsibility for setting policy priorities with a leadership committee. Those who serve as chairmen and ranking members of legislative committees will serve on the Leadership Committee. They will assume the duties and functions currently performed by the Budget Committee.

The Budget Committee, by virtue of the fact that it produces and enforces the congressional budget resolution, has defacto control over setting policy priorities for the Senate. This task is the proper province of the Senate leadership. For that reason we have eliminated the Budget Committee and vested its duties with the Leadership Committee.

Second, under S.Res. 260, the responsibilities for authorizations and appropriations are consolidated under individual legislative committees. Authorizing legislation would be reported to the floor with appropriations language included. The need for repetitious debate would be greatly reduced.

This would not only speed up the legislative process, it would also reduce opportunities for narrow, special interest amendments which tie up floor action.

Third, S.Res. 260 restructures committee jurisdictions. Standing committees are reorganized so that they cover, to the greatest extent possible, a single, broad policy area. This restructuring uses existing committee jurisdictions as a starting point and attempts to protect the central core of existing committee jurisdictions from reshuffling.

For a committee like Armed Services, committee jurisdiction would remain virtually unchanged. For other committees, like Finance, for example, the restructuring would be much more dramatic.

The Finance Committee would become the Committee on Economic Policy. It would be responsible for all areas of revenue and bonded debt which are now under Finance jurisdiction, as well as all areas relating to banking, monetary policy, coinage, and the Federal Reserve, which are currently under the Banking Committee. Finance would lose jurisdiction over Social Security, Medicare, and Medicaid, which would be transferred to the Committee on Social Policy--the reconstituted version of the Labor and Human Resources Committee.

Significant bipartisan support for structural changes of this general nature has been expressed by members of the Senate for a number of years. For example, in testimony before the Quayle Commission, Senator Hatfield said he felt the Budget Committee should be composed of the chairmen of the authorizing committees.

Senator Stevens, also addressing the Quayle Commission, voiced support for combining the budget and appropriations process as well as the authorizing and appropriating processes.

Our former colleague, Senator Tower, expressed similar views when he testified that there was neither the time nor the need for the Senate to consider major legislation twice each year. He advocated elimination of the Budget Committee, with the powers of that committee given to the Appropriations Committee. Senator Tower added that if the Budget Committee were retained it should be made up of authorizing committee chairmen and ranking members.

Consolidation was also supported by Senator Nunn in the form of a combined Budget/Appropriations Committee with enhanced authority to enforce committee decisions once sanctioned by the Senate. Howard Baker indicated that, although he no longer favored eliminating authorizing committees and assigning their duties to a "super appropriations committee," he had considered the possibility of providing for authorizations and appropriations in the same bill.

While I would not propose to suggest that all those who voiced opinions about the need for procedural reform would support the Kassebaum-Inouye approach, I believe they would find much to recommend it. Our proposal follows the suggested general direction of their recommendations. In doing so, it recognizes what I believe was strongly alluded to in much of their testimony: that congressional efficiency cannot be significantly improved without an increase in the centralization of power in Congress.

Enactment of the reforms we are proposing would provide Congress with an opportunity to regain a prominent position in the formulation of national policy. It would also provide a real opportunity for making the fiscal policy deliberations of the 101st Congress a meaningful exercise. We could, once again, actually make decisions of substance on the floor of the Senate.

Thank you.

Statement by Senator Lloyd Bentsen
Rules Committee
May 17, 1988

Mr. Chairman, I appreciate this opportunity to testify on proposed changes in the way the Senate organizes itself and does business. Let me begin by commending the Chairman and Ranking Member for actively seeking the views of all members through your questionnaire sent last December. Indeed, your questions stimulated me to restudy these issues more intensively and to seek to appear before you.

I hope that your review of these matters leads to substantial reforms, for if we continue business as usual the Senate will sink into immobility, ineffectiveness, and disrepute.

My greatest concern is that we are strangling on our own procedures. We have become more skilled in avoiding decisions than in making tough and durable policy choices. As a first priority, therefore, I believe that we need significant changes in the rules so that we can act responsibly on the major issues our nation faces.

The Senate has a proud history, and I believe we should draw upon it, and not neglect it, in devising reforms. There are many rules and procedures which served us well in the past and which could be restored to strengthen our current operations. I have in mind things like enforcement of the Pastore rule on the germaneness of debate and the disposition of measures by a call of the calendar.

Similarly, there are many studies of the Senate which have provided very valuable suggestions but which have ultimately just been allowed to gather dust in our files.

Recently I re-read the Pearson-Ribicoff Report of 1983. I was struck by how many of its suggestions remain un-implemented but highly desirable. If we had adopted the recommendations of those two distinguished Senators, I believe that the quality of life and the quality of work in the Senate would be much better today. Many of my specific suggestions this morning are drawn from the Pearson-Ribicoff study.

Let me propose five areas of reform.

First, we need to ensure careful deliberation of measures to the point of decision. That means that we should avoid surprises and prevent repetition.

In order to have a clear agenda that permits careful deliberation, I favor a strict germaneness rule on amendments and an addition to the rules providing that once a major bill or amendment has been voted on in any year, a supermajority vote should be required to take up legislation of the same substance. Re-fighting old wars is divisive and unproductive.

Another way to avoid surprises and permit better debate would be to confine amendments to one title or section of a bill at a time, such as the Pryor-Danforth proposal contained in S. Res. 277. Let me also endorse the Majority Leader's proposals on germaneness and the Pryor-Danforth resolution requiring 20 cosponsors for "sense of Congress" amendments.

Second, we need an improved appropriations process. Catch-all spending bills are unfair to us as well as to the President. They lump too much together for consideration in too short a time. That is why I support Senator Evans' bill requiring separate appropriations bills. I do not favor a line item veto beyond what already exists -- the President can veto a bill for any reason -- because of the technical difficulties in crafting broader authority and because of my concerns that it might be seriously abused by a President who coerced support for unpopular proposals by threatening a veto of small, locally important items.

Another way to improve our appropriations process is to approve money bills on a two-year basis. It is grossly inefficient to fund long term programs on a roller coaster profile, especially when we often do not complete action until well into the fiscal year.

Third, we need to strengthen the Chair. Most other parliamentary bodies have permanent presiding officers who have the knowledge, experience, and stature to enforce the rules fairly and forthrightly. The Senate's reliance on a rotation among junior members encourages esoteric maneuvers and the sorry spectacle of "dueling parliamentarians." Selection of a permanent presiding officer could lead to a more regular order and more confidence of all members in the fairness of our procedures.

Fourth, I think we need to reduce post-cloture delaying tactics. In addition to the steps already taken in recent years, such as the limitation of 30 hours on debate, I favor the Pearson-Ribicoff suggestions that no Senator -- other than the two leaders and two managers -- be allowed to offer more than two amendments for consideration after cloture is invoked, that all amendments be deemed to have been read, and that division of the question on amendments not be permitted. These refinements would minimize the opportunities for filibuster by amendment once the Senate takes the extraordinary action of closing off debate.

Finally, I believe we should defer committee reorganization. It would be disruptive and controversial to reshuffle our committees when our most serious problems and most important responsibilities are in handling legislation on the floor.

I share many of my colleagues' frustrations with the budget process, but rather than creating an all-powerful Committee on National Priorities, as Senator Kassebaum proposes, I would prefer the recommendation from her predecessor, Senator Pearson, who proposed turning Budget Committee duties over to the Finance and Appropriations Committees.

The Finance Committee today has a broad level of responsibility for both the raising of revenues and for many of the major social programs which consume those revenues -- as well as for the national debt which results from any imbalance between spending and revenues. Finance Committee members are thus already experienced in balancing those competing interests. Similarly, that Committee is likely to have a more balanced approach to trade and tariff legislation than one devoted exclusively to foreign policy questions.

Senator Kassebaum's proposal to redraw committee boundaries has many arbitrary features. Why should defense be separate from foreign policy? Why should regional economic development be viewed as a matter of environmental policy rather than economic or social policy? Why should trade be considered solely a foreign policy issue?

I believe that the Kassebaum resolution would also create enormous problems by overturning longstanding precedents which have allowed us to resolve the occasional jurisdictional disputes.

If anything is to be done in the area of committee reorganization, the single most useful step would be to cut back in the proliferation of legislative subcommittees by allowing them for hearings and investigations only and by not setting up separate subcommittee staff groups for legislative purposes.

Mr. Chairman, the major difficulties the Senate has today stem not from flawed committees but rather from a frequently unmanageable floor situation. I believe we can protect the rights of individual members while still allowing a supermajority to work its will. I commend this Committee for its diligence in tackling this important problem. I am sure that all members hope that you succeed.

Testimony to
Senate Committee on Rules and Administration

"Individual Appropriations Act"
and Other Reforms

Senator Daniel J. Evans
May 17, 1988

Mr. Chairman, I appreciate the opportunity to speak with you and the other members of the Rules Committee on issues fundamental to the effective operation of the Senate.

I plan to focus my comments on the Individual Appropriations Act. However, before delving into the issues surrounding this legislation, I hoped to offer brief comments on two other issues.

First, I wish to compliment Senators Kassebaum and Inouye for developing their Senate Committee and Procedural Reform proposal. This reform offers a dramatic alternative to the way we do business. It presents an opportunity to evaulate comprehensively and adjust the Congressional role in Federal budget making and the procedures by which we abide.

While I generally support the move since the 1970's toward an easing of strict rules of seniority and attempts to diffuse the power of committee chairmen among the membership at large, the costs of such trends to the institutions of Congress may be too large. We cannot afford the costs associated with the inability of Congress to act on issues of national concern and the continued annual stalemate of our budget process.

The Kassebaum-Inouye proposal offers a good middle-ground. Broad policy decisions would be consolidated into a Committee on National Priorities, a committee formed on the basis of seniority. Other committees with consolidated authorizing and appropriating responsibilities, which consist of less senior members, would be established and charged with the transforming of broad policy decisions into legislative programs. While there remains much additional work in finetuning the Kassebaum-Inouye proposal, it does provide a splendid framework for reform.

On a second issue, I wish publicly to congratulate the Majority Leader for implementing the three-weeks in session and one-week out of session 1988 Senate schedule. I am confident that such a schedule will offer us a five-day work week, while allowing Senators more quality time with constituents in each of our home States.

Taking the logical next step, the 1988 Senate schedule allows for a committe schedule that reduces time conflicts. Such conflicts prevent committee chairmen from achieving quorums and the active participation of the full committee membership. Full utilization of Mondays and Fridays for regular committee sessions could virtually eliminate such problems.

One could develop such a schedule by requiring the "Exclusive A" committees (Appropriations, Armed Services, Finance and Foreign Relations) to meet at regularly scheduled times, such as 9:30 a.m. on Tuesdays and Thursdays. A comparable schedule could be developed for the other "A" and "B" committees during the remaining time slots throughout the week. Schedule exceptions could be made for committees during times when they are experiencing extraordinarily heavy workloads. Mr. Chairman, I believe that such action on committee schedules is as integral to the effective and efficient operation of the Senate as the overall legislative schedule.

Mr. Chairman, I wish now to turn to S. 1835, the "Individual Appropriations Act". I, along with 43 of our colleagues as cosponsors, hope that the Committee will review thoroughly and report affirmatively this important legislation. Generally, the proposal directs the Senate-House Committee of Conference to divide the continuing resolution into titles, where titles correspond to regular appropriation bills. Specifically, the Individual Appropriations Act...

o Directs the Conference Committee to report each title of a continuing resolution as a separate bill or resolution, where a title is defined as a regular appropriations bill --

  oo Each separate title then is considered separately by each Body under the procedures for considering conference reports.

o Applies only to continuing resolutions making appropriations for a period of 30-days or longer, and does not apply to supplemental appropriations.

o Defines a continuing resolution as a bill that includes two or more regular appropriation bills.

o Directs the responsible official of the House where the bill originated to assign a bill number to each separated title.

- Establishes a point of order (50-vote) stipulating that continuing resolutions shall not be considered unless:
  - oo each title corresponds to one of the 13 regular appropriation bills, and
  - oo any general provisions of a continuing resolution are contained in its appropriate title as determined by Conference Committee -- rather than a separate bill.
- Retains the Constitutionally mandated two-thirds veto override by both Houses of Congress.
- Includes a two-year sunset clause, making the Act's provisions effective for fiscal years 1989 and 1990.

Mr. Chairman, S. 1835 is identical to the amendment offered to the FY88 Continuing Resolution on December 11, 1988, but differs dramatically from the amendment offered to the debt ceiling resolution on July 31, 1987, which directed the enrolling clerk to divide the continuing resolution. By shifting the separating responsibility from the enrolling clerk to the Committee on Conference and revising definitions we have resolved the Constitutional and procedural concerns noted during the Floor debate. When this legislation was offered to the C.R. in December, there clearly was confusion as to what was being considered. Those opposing the legislation were speaking against the original amendment offered in July and not S. 1835.

Mr. Chairman, I would like to review briefly the major changes between S. 1835 and the initial version.

1. S. 1835 directs the Appropriations conference committee to divide a continuing resolution into titles, where titles equal individual appropriations bills. The initial version directed the enrolling clerk to divide the C.R. By making this change:

   -- The question of expanding the role of the enrolling clerk is resolved. All changes made by separating the C.R. in form and substance will be made by conferees from the House and Senate Appropriations Committees.

   -- In addition, the Senate and House will be presented with the opportunity to consider individual bills reported from conference before each is presented to the President. As Senator Stevens pointed out during debate on the initial legislation,

> "(i)f the Senate and the House wished to do this and create a procedure whereby once a bill is passed on a vote by each House, the bill that has been passed can be separated by title and individual bills sent to the President, then I think it would comply with the Constitution."

Mr. Chairman, I would like to insert for the Record an analysis prepared by Johnny Killian, a respected CRS expert on Constitutional Law, who indicates there are no Constitutional concerns associated with S. 1835 whatsoever. Specifically, the report states, "(w)e do not discern any constitutional obstacles to congressional ordering of its procedures in this way. Under Article I, section 5, of the Constitution, each House is empowered to determine the rules of its proceedings." Additionally, the report found that, "it matters little whether there could be judicial review of the proposal, if it is adopted, or the degree of deference the courts accord it if they do review it...members must come to an independent judgement on the question of constitutionality."

2. S. 1835 will affect only continuing resolutions for a period of 30-days or longer and will not apply to supplemental appropriations bills. The initial version affected all bills making continuing appropriations. Senator Hatfield suggested that this would,

> "cripple the government and Congress if short-term C.R. extensions were bound by a requirement to divide titles."

This problem no longer exists.

Mr Chairman, the Committee may wish to consider a revision to the legislation that is not currently included. Under Section 303 of the Budget Act, Senate consideration of appropriations bills prior to the adoption of the budget resolution is subject to a point-of-order. A special waiver is provided to the House if a budget resolution has not been adopted prior to May 15. The Committee may wish to recommend a similar waiver for Senate activity. Such a change may help the Senate with its timely consideration of individual appropriations bills.

Mr. Chairman, one of the most visible erosions of the budget process is the increasing reliance on the continuing resolution. Last year was an embarrassment. We were required to vote on one massive C.R. the same day that the Conference Committee filed its report. This left Members of the Senate, supposedly a deliberative body, with approximately 30 minutes to review its contents. It was not until well after passage that we were made aware of the unusual spending provisions and new legislation concealed in this Continuing Resolution.

No one, either the current President or future Presidents, could afford to engage in a veto knowing that the Government of the United States would literally come to a halt if he exercised that veto.

Under the 1974 Budget Act, Congress and the President reconfirmed their commitment to a process that requires 13 separate appropriations bills. A continuing resolution was to be used as a temporary measure when Congress could not reach agreement on an appropriation bill. The continuing resolution would provide for continued spending for a limited period of time until a final appropriations act could be passed.

However, in recent years the continuing resolution process has been abused. For the last two years, we reached an agreement on nearly all the individual appropriation bills. They could have been brought back as separate conference reports to the Senate and the House, but a conscious decision was made to lump them all together in what really is not a continuing resolution at all but what is, in reality, a broad, huge, omnibus appropriations bill.

Fiscal years 1987 and 1988 were not unique cases. Fiscal year 1977 was the first complete year under our current budget process. It also was the first, last and only year that all 13 appropriation bills were adopted in their own right since the inception of the 1974 Budget Act. The last three years are a good indication of the problem; FY85 -- 8 bills were included in the C.R.; and FY86 -- 7 bills were included.

Mr. Chairman, each time we debate line-item veto proposals, opponents express concern that such a proposal will upend "Constitutional Checks and Balances". I understand and respect their concern. With the Individual Appropriations Act, however, we address what is an equally serious concern of the Constitutional imbalance created by sending the President a $500 billion-plus continuing resolution and saying "take it or leave it".

Mr. Chairman, I hope the Committee agrees that the Individual Appropriations Act should be reported with an affirmative recommendation and enthusiastically adopted by the Senate as a whole.

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

March 11, 1988

TO : Honorable Daniel Evans
Attn: Ms. McKay

FROM : American Law Division

SUBJECT : Method of Treating Appropriations Bill Including More Than One Title

This is in response to your request for our consideration of your proposal which would require the conference committee of the House of Representatives and the Senate, acting upon an omnibus appropriations bill containing more than one title including funds for more than one of the major divisions of Government, to divide the conference report into separate measures, corresponding to what the ordinary appropriations bills would be, for reporting and subsequent consideration by both Houses. Purpose of the proposal is to halt the practice of omnibus bills funding all or most of the Government departments, with one consequence being that the President would have somewhat greater discretion with respect to the exercise of his veto power. The identical proposal was offered on December 11, 1987, in the Senate and defeated. Cong. Rec. (daily ed.), 12/11/88, S 17846 - S 17852. At that time, it was intimated that constitutional questions could be raised as a barrier to the measure.

In recent years, Presidents have sought and others have both endorsed and opposed the concept of "line-item" vetoes, by which the President would have the authority of rejecting parts of bills rather than being required to sign or veto the entire bill. See Line Item Veto, Hearings before the Senate Committee on Rules and Administration on S. 43, 99th Cong., 1st sess. (1985). One of the cited reasons Presidents are said to need such authority is the practice in Congress of adding extraneous riders to bills or, more recently, of combining at the end of a session one omnibus bill containing the appropriations for the entire government.

Your proposal, as we understand it, would attempt to meet the proffered argument in a different way, by preventing an omnibus appropriations bill. Thus, once both Houses had passed an omnibus bill and sent it to conference the conference committee would be charged with dividing the bill into its thirteen component bills in accordance with the divisions by which Congress regularly treats appropriations for the Government.

We do not discern any constitutional obstacles to congressional ordering of its procedures in this way. Under Article 1, § 5, cl. 2, of the Constitution, each House is empowered to determine the rules of its proceedings. While there is very little judicial precedent concerning this power and its exercise, as one would fully expect, what there is confirms the almost plenary nature of the authority. "[Neither House] may ... by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any body or tribunal." United States v. Ballin, 144 U.S. 1, 5 (1892).

Where a rule affects private rights, its construction and application may present a judicial question. E.g., United States v. Smith, 286 U.S. 6 (1932) (Senate's attempt to reconsider confirmation of person nominated to executive office by President after communication of confirmation not warranted by its rules and is ineffectual); Christoffel v. United States, 338 U.S. 84 (1949) (issue of quorum present at committee which cited complainant for perjury issue of judicial notice); Powell v. McCormack, 395 U.S. 486 (1969) (exclusion of Member-elect unconstitutionally expanded Constitution's list of qualifications of Members regardless of power of each House to judge the qualifications of its Members). Certainly, while the construction of a rule and even whether its validity is subject to constitutional infirmity may present a judicial question, United States v. Smith, supra, 33 (Justice Brandeis for the Court), the lower courts, predominantly the courts in the District of Columbia which naturally hear most of the disputes, interpret the Supreme Court precedents to require them to "take special care to avoid intruding into a constitutionally delineated prerogative of the Legislative Branch." Harrington v. Bush, 553 F. 2d 190, 214 (C.A.D.C. 1977); Exxon Corp. v. FTC, 589 F. 2d 582, 590 (C.A.D.C. 1978), cert. den. 441 U.S. 943 (1979); Consumers Union v. Periodical Correspondents' Assn., 515 F. 2d 1341, 1347-48, 1351 (C.A.D.C. 1975); Metzenbaum v. FERC, 675 F. 2d 1282, 1287 (C.A.D.C. 1982). While finding that Members may have standing to raise the issues in court, the courts have refused on equitable discretion grounds, motivated by respect for a coequal branch, to involve themselves in such inherently internal disputes as those over the preparation of the Congressional Record, Gregg v. Barett, 771 F. 2d 539 (C.A.D.C. 1985), or the party ratios on committees, Vander Jagt v. O'Neill, 699 F. 2d 1166 (C.A.D.C. 1982), cert. den., 464 U.S. 823 (1983).

In the final analysis, it matters little whether there could be judicial review of your proposal, if it is adopted, or the degree of deference the courts accord it if they do review it. Members of Congress take the same oath to uphold and defend the Constitution as do the judges, Article VI, cl. 2, and Members must come to an independent judgment on the question of constitutionality. United States v. Nixon, 418 U.S. 683, 703 (1974). The point of the recitation of authority, above, is simply that the Constitution grants to each House the authority to make its own rules that so long as they do not run afoul of any constitutional restriction the House of Representatives and the Senate have vast discretion as to what those rules should be.

The only specific constitutional objection which was suggested during the December 11, 1987, debate was that to allow a conference committee to "originate" bills, i.e., the bills separated out of the omnibus bill, was to violate Article I, § 7, cl. 1, which provides that "[a]ll Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills." It is far from evident that what the conference committee would be doing would constitute the origination of a bill; the original bill would have come to it and it would have broken it down into the separate appropriations bills which would otherwise have been each considered by both Houses. One can suggest that because the purpose of the conference committee is to compromise differences between the two Houses, each bill referred back to the two Houses will contain provisions that were either not in the bill as passed by one House or that is substantively different from either precedent provision contained in the two bills passed by both Houses. If that is to be considered origination, however, similar objections could be made to any bill reported back by a conference committee, unless it is something unique in having the conference committee separate an omnibus bill.

Whatever may be the solution to such a nice question, the response to the objections is of a different order altogether. The proposed rule applies to appropriations bills; the constitutional provision on origination applies to "[a]ll bills for raising Revenue." There are two different kinds of bills concerned here. Revenue bills are those the primary purpose of which is to raise revenue, i.e., to impose taxes. E.g. United States v. Norton, 91 U.S. 566, 567 (1875); Twin City Bank v. Nebeker, 167 U.S. 196 (1897). Revenue bills do not comprehend appropriations bills. We need not rely on the plain language of the clause here, because, unlike many other constitutional disputes wherein the intention of the Framers is ambiguous or must be discerned solely from the language used, the record in the Constitutional Convention shows the Framers consciously including tax bills and excluding appropriation bills.

Progress of the origination clause was extensively considered in the Convention.[1] While the Virginia Plan, introduced on May 29 by Randolph, gave to each House the "right of originating Acts," 1 M. Farrand, Records of the Federal Convention of 1787 (rev. ed. 1937), 21, a competing draft, introduced the same day by Charles Pinckney, first contained a provision giving to the House of Representatives the power to originate "all money bills of every kind." Id., 23; text at 3 id., 596. Although various proposals for an origination clause were subsequently defeated by the Convention, as part of the "Great Compromise" by which the question of the nature of state representation in each House was resolved, there was included a provision that "all Bills for raising or appropriating money ... shall originate in the first branch of the Legislature." 1 id., 524. See id., 543-547 (debate and adoption of clause). The clause as reported by the Committee on Detail was again debated on August 8 and this time stricken from the draft. 2 id., 223-225. Additional efforts to include the same or similar language read: "Each House shall possess the right or originating all bills, except bills for raising money for the purpose or revenue, or for appropriating the same ... which shall originate in the House of Representatives." Id., 292. Although it was debated on several occasions, the proposed clause was postponed while other matters were resolved. Finally, the Committee of Eleven, which was charged with considering all matters that had been postponed or not acted on, reported on September 5 the immediate predecessor to the present clause. "All bills for raising revenue shall originate in the House of Representatives." Id., 508-509. With a revision of the clause allowing the Senate to amend such bills, the clause was adopted in present form on September 8. Id., 552.

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[1] See McDonald & Mendle, "The Historical Roots of the Originating Clause of the U.S. Constitution: Article I, Section 7," 27 Modern Age 274 (1983).

Thus, it is evident that the Convention intended the distinction drawn in the language of the clause, its applicability only to tax bills, especially in light of the consideration over the course of the Convention of language that specifically referred to appropriations bills separate from revenue bills. And, in fact, Mason and Gerry, both of whom had proposed broader clauses to include appropriations and who had refused to sign the constitution, included among their objections the limiting of the origination clause so that the Senate could originate appropriations bills. Id., 638 (Mason), 3 id., 265-266 (Gerry).

Beyond this specific textual objection, it is difficult to see what other provisions of the Constitution are implicated by the proposal. The Constitution is quite specific about the legislative process in some ways, i.e., bicameralism was reflected in Article I, § 1, and process in Article I, § 7, but it says nothing about committees or conference committees, nothing about how bills are prepared or introduced, nothing about what the concept "bill" means. All the great detail of the legislative process is the subject of rule making by both Houses and to the accretion of precedent over the years. That innovation is hardly restrained by the Constitution is revealed by the so-called Gephardt Amendment in the House of Representatives, by which, under Rule XLIX of the House of Representatives, upon passage by the House of a concurrent resolution on the budget, containing a public debt figure, the enrolling clerk of the House prepares an engrossed joint resolution prescribing the public debt figure set out in the concurrent resolution which is signed by the Clerk and transmitted to the Senate. "The vote by which the conference report on the concurrent resolution on the budget was agreed to in the House (or by which the concurrent resolution itself was adopted in the House, if there is no conference report) shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives."

In short, acting upon its power to make its own rules, each House, absent a constitutional prohibition, may structure its legislative process at its discretion. It appears there is no prohibition which would reach the proposal so to have the conference committee acting on an omnibus appropriations bill to subdivide the bill into its component parts. In order to effectuate the purposes of the change, each House would have to amend its rules or the two Houses could concurrently embody the procedure in statute as has been done a number of times, such as in the impoundment control law and in the 1985

Balanced Budged and Emergency Deficit Control Act. Embodiment of the rules in statutes does not, of course, prevent either House from unilaterally changing its own rules.

Johnny H. Killian
Senior Specialist
American Constitutional Law

STATEMENT
OF
SENATOR CHILES

ON THE
CONGRESSIONAL BUDGET PROCESS,
S. RES. 260, AND S. 1835

BEFORE THE
SENATE COMMITTEE ON RULES
AND ADMINISTRATION

MAY 17, 1988

Thank you very much for giving me the opportunity to testify today as part of your review of the Senate's operation. I appreciate the chance to participate in this process.

As you know, I'll be retiring from the Senate at the end of the year. Having chaired an authorizing subcommittee, an appropriations subcommittee, and the Budget Committee, I've seen the Senate from a variety of angles. I welcome this opportunity to offer some thoughts on the process looking back from my 18 years here.

* * *

Both of the bills you are looking at today have something to do with the budget process. As you might imagine, I often hear people blaming the budget process for the inefficiency of the Senate. Some have even complained about a breakdown of the budget process. Now I don't mind concern over the budget, and I'll be the last to defend massive continuing resolutions that come to us at the end of the session with no chance to understand or debate them. All of us want to do better.

Even so, critics of the budget process can make too much of this process discussion. We have to decide which delays are caused by process and which are caused by politics. Let me take this opportunity to comment a little bit on the budget process in general.

Our former colleague Sam Ervin called the Congressional Budget Act "probably the most significant congressional act passed during the entire history of the country." On the other hand, President Reagan called it "the most irresponsible, Mickey Mouse arrangement that any governmental body has ever practiced." As is usually the case, the reality lies somewhere in between the two extremes.

If we decide to address the budget process, we need to ask some basic questions right from the start. Do we need Mr. Goodwrench under the hood, or better drivers behind the wheel? In my opinion, the deficit problem comes more from a failure of political will than from a failure of the budget process.

Back in the early 1980s, with the deficit at $80 billion, enthusiasm for a balanced budget amendment ran high. With the deficit at $150 billion, the item veto appeared as a cure-all. When the deficit reached $200 billion, we enacted Gramm-Rudman-Hollings. A pattern is beginning to emerge here. The higher the deficit, the more we look somewhere else for a hammer-and-wrench solution.

The fact is, the budget machinery is not the real problem. Each time the machinery has been on the verge of producing the intended product, the circuit breakers have been tripped and the machinery shut down by the board of directors.

Before accepting the conclusion that we need to change the budget process, let's examine the diagnosis a bit more carefully. Many agree on the symptoms--missed deadlines, legislative logjams, vast numbers of amendments latching onto a few vehicles. Yet, in my view, the causes don't lie just in the budget process. Other causes include the deficit environment, political gridlock, obstructionism, and lack of restraint.

The President's creation of irresponsibly large deficits has caused Congress to focus mostly on the dollar aspects of legislation. If we did not have a deficit, we would not have to spend so much time disputing the size of every spending bill. Because the deficit looms so large, we cannot avoid debating the fiscal effects of any spending bill. Legislating with a minus sign is always tougher and less fun than adding to spending. As long as the deficit forces us to legislate in an environment of spending cuts, authorizing committees will naturally spend less time designing new programs than fighting to protect funding for old ones.

Up until the budget summit at the end of last year, political grid-lock has existed between the Congress and President on the mix of domestic spending, defense spending, and taxes. The budget has been the forum for disputes between the White House and Congress over these priorities. And it's worth noting that even the latest summit agreement produced a least-common-denominator agreement, not a real, lasting solution to the deficit problem.

The White House has used the budget process (just as it has used other procedural tools in the Senate) to obstruct action when it disagrees with the substantive result. As a result, critics blame the budget process when in fact a significant minority of Senators has blocked decisions for policy reasons.

Senators who tack amendments on any available bill to appeal to home state interests or a national group have added to the problems of the budget process. Budget bills have often become a rack on which to hang a whole wardrobe of amendments, and the critics make the budget--rather than the Senators making the amendments--the target of their criticism.

* * *

After the last few grueling years, I certainly don't claim that the process is perfect. There are areas where we might streamline the budget process. Nonetheless, in this environment of fiscal challenge, we must avoid "reforms" of the budget process that amount to little more than eliminating restraints on spending, or shifting power from Congress to the executive branch. We should provide for more orderly and efficient consideration of spending legislation; we should not do away with restraints merely to make it easier to spend. With this in mind, let me turn to one simple change in the budget process that I think might be made and then to the two proposals before the Rules Committee today.

* * *

The current process delays most of the work in our schedule to the end of the session. Gramm-Rudman-Hollings added on a new layer of dates totally out of phase with the rest of the budget process. While requiring an earlier budget resolution and reconciliation bill, Gramm-Rudman-Hollings made this harder to achieve by setting an August date for CBO's and OMB's reports on how much deficit reduction we need to do to avoid across-the-board cuts. This makes it hard to get people to bargain seriously as they say, "wait until August and we'll see how much we have to do when we get the final numbers." Committees naturally defer the heavy lifting until they know what the bottom line is. Some object, with some justification, that it is hard to play a game with constantly-changing rules.

Moving the reports up to dates earlier in the year would facilitate the final compromises we need. We might consider a date sometime during the markup of the budget resolution in the Budget Committee in March or April. This one small step could do a lot to streamline the process.

* * *

Now let me turn to the bills before the Rules Committee today. One of the two proposals, S. 1835, would address the issue of Congress's recent tendency to pass omnibus continuing resolutions instead of regular appropriations bills.

The practice of passing continuing resolutions instead of regular appropriations bills has an interesting history. It began with the abortion fight, when House members decided they couldn't vote for any compromise abortion language on any appropriation bill, but they would vote for it on a continuing resolution in order to keep the Government going. Having locked into that artful dodge for several years, we developed the art of writing continuing resolutions with reference to complete bills and reports.

The next big step in continuing resolution development was the tendency to delay the regular bills until September and roll them into an omnibus bill. This didn't come about because of delays in the budget process. It started in the summer of 1981, when Budget Director Stockman realized we were right about how far his numbers were off, and he sent up a second round of domestic cuts. The House had already acted on all the appropriation bills, and the Senate Appropriations Committee had marked them up. Director Stockman prevailed on the Senate leadership to hold the bills and do a continuing resolution so he could push cuts on the bottom line.

We went to a consolidated continuing resolution during the last two years when we wanted to make sure the bottom line did not violate the Gramm-Rudman-Hollings targets. Of course, the leadership on both sides of the Capitol also decided to avoid a series of politically risky veto fights at the end of the session. The leadership held off regular bills and negotiated a single, acceptable continuing resolution.

The Congress should produce its several appropriations bills for the President to sign. Presenting the President with a variety of measures forces the President to take greater responsibility for his policies. As it is, with a continuing resolution, he can duck the hard issues by saying he is forced to sign the bill. Furthermore, the size and timing of the continuing resolution make it difficult for Senators to deal with, and invite the insertion of extraneous components.

The Senate should consider strengthening the constraints under Rule 16 with changes such as the Majority Leader has proposed in S. Res. 42, which limits legislative amendments on appropriations bills to those truly germane to surviving House provisions, or by adding features like those of the Byrd Rule on extraneous matters on reconciliation. As with reconciliation, a Byrd Rule for appropriations could decrease the degree that important budget legislation attracts amendments like a magnet. On the other side of the coin, we may want to strengthen procedural safeguards that would keep authorizing committees from forcing appropriations action.

As well, Congress must take steps to curb the abuse of including numerous spending proposals of dubious merit in the omnibus continuing resolution. Otherwise, people will turn to the line-item veto in desperation. Perhaps the Chairman of the Appropriations Committee and the Majority Leader should provide a screening process to ensure that omnibus bills contain only measures that truly command the support of the majority of the Senate.

* * *

Let me now turn to S. Res. 260 regarding the Senate committee structure. Suggesting changes in the structure of Senate committees always carries with it the risk of threatening some Senators' jobs and power bases. Consequently, doing so is always a risky and often a futile task. If we could ensure that with any revision, the Senate would give every Senator a renewed opportunity to attain positions of like stature to those he or she now holds, then it might be possible to suggest some changes in the Senate committee structure.

In particular, too many layers of committee action can slow down the legislative process. Because the Budget Committee is the layer of consideration most recently added to the taxing and spending process, it has unfairly received the most criticism as adding to the delays. Delays arise at various points along the path between introduction of a bill and final appropriation.

In the current system, money must be budgeted, authorized, and appropriated. Both budgeting and appropriating were steps required to allow one group to step back and see the big picture. With the growth of entitlement spending, the appropriations process no longer casts a broad enough net to achieve that goal. On the other hand, the budget committee does not directly control spending in the last instance, as does the Appropriations Committee.

Authorizing was intended to set policy directives and appropriating to define spending priorities. Authorizing committees have increasingly involved themselves in spending decisions, however, and the Appropriations Committee has increasingly involved itself in policy. This is only natural in an era in which control of the purse strings necessarily controls the bulk of the policy decisions.

Congress has used appropriations to address policy issues that the authorizing committees refused to tackle. (The abortion riders to the Labor and HEW appropriations bills in the mid-1970s are a prime example of this.) Members in committee or on the floor find it hard to say "no" to people who want an issue addressed.

From the other side, authorizing committees have been unwilling to leave funding decisions to the Appropriations Committee. Two strategies have emerged.

The Armed Services Committee moved to annual authorizations, using up the whole allocation for defense, to limit the scope of Appropriations Committee decision making. That opens us up to two votes on each weapon system. Again, that is not the budget process at fault. It is a matter of turf.

In the other strategy, authorizing committees (led by the Finance Committee) make their programs entitlements, which eliminates any Appropriations Committee decision making. While that certainly avoids voting several times on one issue, it adds to the growth of deficits.

Plainly, duplications of effort exist on the road to congressional spending. Greater duplication, however, lies between authorizing and appropriating committees than between appropriating and budgeting. If we are searching for ways to streamline the spending process, we might want to turn there. If we wish to cut the number of steps required to spend money, we might do as S. Res. 260 proposes and combine authorizing committees and Appropriations Committee subcommittees.

Because S. Res. 260 would eliminate this duplication of effort, it has a lot to recommend it. While I do not support the resolution in its entirety, it does deserve our close attention and help in perfecting it.

On the down side, S. Res. 260 contains the idea that the Committee on National Priorities--as it would call the new Budget Committee--would consist of all the Chairmen and ranking members of the other committees. This has the risk of leading to least-common-denominator budgeting, where each chairman holds a veto over deficit reduction that implicates his or her jurisdiction. The experience of the House Budget Committee has taught us that the institution of budgeting suffers when representatives of other constituencies look out for their other interests first. The Senate needs a group that is looking out first and foremost for the bottom line. One of our successes at the Senate Budget Committee has been to resist the temptation to have subcommittees, so that members have not become advocates for their particular fiefdoms. Designating membership from committees will create that pressure and reduce the cross-cutting role now played by the Budget Committee.

* * *

Let me take a few moments to consider what have been the successes of the budget process, and what would we lose if we watered it down. First of all, it has given us a way to look at the bottom line, and debate overall priorities for defense, domestic spending, and taxes. Without a budget resolution, the President's budget proposal would be the sole standard for evaluating legislative proposals. Anything up to his level in defense would be all right; anything above his domestic cut proposals would be "over budget" or a "budget buster." We would have no way of looking at spending and revenues at the same time, and no way of packaging spending cuts with revenue increases for political acceptability.

Second, we have avoided the kind of bruising fights that happen when a committee works away at a bill for a year, makes its deals, gathers support, and then brings it to the floor; only to be told by fiscally conservative members or the Administration that we can't afford it. By having a vote first in the budget resolution on whether to undertake a new initiative, we clear the way for later action. We know in advance if something "fits" within the budget or whether it adds to the deficit.

Reconciliation has proven a success at packaging spending cuts and revenue increases into a package big enough that the deficit reduction gain deflects the political heat from the groups feeling the cuts. Reconciliation is the bill the authorizing committees love to hate. They like saying "that devil Budget Committee made me do it," to pass the cuts they know we need.

We have made some additional progress within the reconciliation process itself. The Byrd Rule outlawing extraneous provisions has streamlined the process and kept reconciliation from becoming a legislative grab bag. That tends to reduce the number of votes and smooth conference discussions. The Byrd Rule also protects the rights of the minority, by keeping a simple committee majority from sticking into reconciliation some non-budget legislation that they would not be able to get a time agreement or cloture on independently.

We developed procedural points of order when it comes to allocating money among subcommittees. That heads off some amendments, and that's a plus. The new Gramm-Rudman-Hollings law also fixed spending targets and deficit goals to work toward. That's also a plus.

* * *

To sum this all up, I agree that we have some serious problems with the budget process that we need to address. We might want to bring the real date of reckoning under Gramm-Rudman-Hollings into harmony with the beginning of the budget season when we plan our annual deficit reduction. We might want to develop some procedural limits like the Byrd Rule to enforce the boundaries between authorizations and appropriations. We might require increases in the debt limit to be part of reconciliation. We might even want to combine the work of authorizing committees and appropriations subcommittees. But to clear out our legislative log-jams, we really need different political leadership in the White House.

* * *

The Budget Committee may address some of these budget process issues in a hearing or hearings later this year. I look forward to working with you in the Rules Committee on your review of Senate procedures, and in particular, on any changes that affect the budget process. Once again, thank you for allowing me this opportunity to contribute to your effort.

* * *

STATEMENT OF SENATOR PETE V. DOMENICI
BEFORE THE
SENATE COMMITTEE ON RULES AND ADMINISTRATION
ON S. 1835, THE INDIVIDUAL APPROPRIATIONS ACT AND
S.RES. 260, TO RESTRUCTURE THE SENATE COMMITTEE SYSTEM
May 17, 1988

Mr. Chairman and members of the committee, I want to thank you for the opportunity to share my views with you today. We have all heard a lot about the need to reform the budget process. I want to commend you, Mr. Chairman, and the distinguished ranking member, Senator Stevens, for taking a constructive step toward resolving these concerns.

We all know the complaints about the budget process. There are delays and duplication. We miss deadlines. Work on the budget crowds out other legislative business. The process has become too complicated. And progress in fighting the deficit seems uneven at best.

The Congressional budget process did not cause the deficit. Reforming the process will not erase it. But this Senator is convinced that certain procedural changes would help us do our job better.

Individual Appropriations Act

Let me start with Senator Evans' bill, S. 1835, which would put an end to omnibus appropriation bills like the continuing resolution we passed last December. It would require separate consideration of each title of a continuing resolution which covers more than 30 days and more than one regular appropriation bill.

I support the Evans bill and was one of its original 40 cosponsors. It is probably a safe bet that support for the Evans proposal -- or something similar -- has grown since December. This seems to be an issue that has united Members of both Houses and both parties.

We are all aware of the pressures that have produced these massive CRs: the competition for dollars between defense and domestic programs; the differences between the President and Congress over spending priorities and taxes; and, yes, delays in final adoption of the budget resolution.

Perhaps less understood is the pressure created by the emergency deficit reduction provisions of the Balanced Budget Act or Gramm-Rudman-Hollings.

In the ten fiscal years preceding the enactment of Gramm-Rudman-Hollings, we managed to pass an average of nine individual appropriation bills a year. In half of the years, ten or more bills were enacted separately; at worst, in FY 1985, we managed to do five.

Yet in the two full fiscal years under Gramm-Rudman-Hollings, we have had two omnibus CRs, containing all 13 appropriation bills. We have created an incentive to postpone action until late in the year, when we know how much must be cut to avoid a sequester. Packaging all the bills into one then makes it easier to measure whether we have accomplished the job.

There is more than one way to stop large, full-year CRs. Along with the Evans proposal, some have suggested allowing a CR to provide funding only at the previous year's level. Or, we could provide for an automatic CR to bridge the gap until the individual appropriation bills are enacted, as I have proposed in my budget reform bill, S. 832.

Mr. Chairman, I do not believe that the use of omnibus appropriation bills is the worst problem we face with the budget process. It is more a symptom of disorder than a cause. Still, it robs Members of a meaningful review of appropriation bills, ties the hands of the President, and further diminishes Congress in the eyes of the public.

For these reasons, we must bring this practice to an end, whether through Senator Evans' bill or some similar measure.

Kassebaum-Inouye Resolution

Requiring individual appropriation bills to be adopted would fix a breakdown at the end of the budget cycle. But there are many other concerns about the process leading up to that point. In the opinion of this Senator, last year's budget summit provides a number of valuable lessons.

Now I realize that the summit has been criticized for its failure to produce a more dramatic deficit reduction package. But the leadership cannot achieve a result for which there is no consensus, particularly when acting on an ad hoc basis.

That is where the Kassebaum/Inouye resolution, S.Res. 260, comes in. Their proposal would restructure the Senate committee system, consolidating the responsibility for authorizations and appropriations within individual committees. It would also replace the Budget Committee with a leadership Committee on National Priorities.

It is this last point that I would like to address. I am inclined to favor converting the Budget Committee into a committee of the leadership.

Sometimes it may seem that the Budget Committee wields quite a hammer with all of our scorekeeping rules and points of order. But most often we must fall back onto the power of persuasion. Changing the committee to include representatives of the major standing committees would, I believe, enhance our ability to enforce commitments made in the budget resolution.

I would go a step beyond the Kassebaum/Inouye proposal, however, and suggest a Joint Committee on the Budget. It might be modelled after the former Joint Atomic Energy Committee, which operated between 1946 and 1977.

As I see it, a Joint Committee on the Budget would be charged with the same responsibilities as the current Budget Committees. It would hold hearings, report identical budget resolutions to each House, and serve as the conference committee to resolve differences between the two bodies.

If you look at the record, delays in the budget process cannot generally be laid at the doorstep of the Senate Budget Committee. We have met our reporting deadline (formerly May 15, now April 1) in four of the past six years. During the same period, the Senate has passed the budget resolution by May 19 or earlier.

The delays we have encountered have been more the result of differences between the two Houses, as well as between the Congress and the Executive Branch. The advantage of a joint committee is that it would streamline the process and force us to confront those differences earlier in the year.

Like Senators Kassebaum and Inouye, I would also propose that this joint committee be composed of the leadership of each House. I would include in that definition the chairmen and ranking members of major committees dealing with fiscal policy.

I would not go as far as the Kassebaum/Inouye proposal -- for either a Senate or Joint Committee -- to include representatives of every standing committee. That would simply be too difficult to manage.

I understand that experience with the budget summit has led some Members to support the idea of having all standing committees represented on the Budget Committee. Members of the Governmental Affairs Committee, for example, have voiced concern about the directive they received that resulted in cutting the Postal Service.

But I do not believe that this experience justifies such an expansion of the Budget Committee. If the leadership placed unreasonable demands on certain committees under the summit agreement, that was the result of the ad hoc process. I do not believe that such an assumption ever would have survived the give and take of the normal budget process.

Finally, I would leave room in either a Senate or a joint leadership committee for additional members who do not have a direct stake as chairman or ranking member of other committees. As a practical matter, the budget is such an all-consuming enterprise that it is unrealistic to expect the Majority Leader or other chairmen to lead such a committee.

Further Reforms

The proposal offered by Senators Kassebaum and Inouye seeks to improve the budget process by restructuring the committee system. It suggests that we could do a better job dealing with the budget if only we had a different organization. While I agree that some change might help, I do not believe it is the key.

Our inability to deal with the deficit reflects a fundamental lack of consensus on how much to spend and how much to tax. All the organizational changes in the world will not make those decisions any easier. The best thing we could do for the budget process is to recognize those difficulties and switch to a two-year cycle.

In effect, the budget summit agreement of last fall set up a two-year appropriation process for defense and nondefense discretionary spending. It left us in a position where we could move quickly and efficiently on the FY 1989 budget, offering the most persuasive evidence to date in support of biennial budgets.

Just as there is growing opposition to the use of omnibus appropriation bills, I believe that there is growing support for biennial budgeting. Let me cite a few examples:

- I am pleased to note that you, Mr. Chairman, introduced a biennial budget bill last year, as did this Senator and the Senator from Delaware, Mr. Roth.
- The Armed Services Committee began a two-year process last year in its authorization bill.
- When we reaffirmed Gramm-Rudman-Hollings last fall, we included a sense of the Congress provision calling for an experiment with multi-year authorizations and two-year appropriations.
- Finally, a recent study published by the Center for Responsive Politics found that 85.7 percent of the House and Senate Members surveyed supported a two-year budget.

The first priority of the Congress in the area of budget reform ought to be conversion to a biennial budget. Yet our experience with this year's budget resolution suggests that other changes may be needed as well.

Even with the summit agreement in place, we did not manage to meet the statutory deadline for completing the budget resolution. That is because the two Budget Committees are trying to influence the allocation of domestic discretionary spending under the jurisdiction of the Appropriations Committee.

We can argue about whether it is appropriate for the Budget Committees to try to set priorities for domestic discretionary programs. But the fact remains that we do not have the power to enforce our assumptions.

We should give serious consideration to revising the concept of functions used in the Budget Act. We now adopt totals for functional areas of the budget, like education, science and space, and income security. Instead, maybe the resolution should set only broad aggregate totals, much like the budget summit.

This change, combined with a two-year budget, would go a long way toward addressing the concerns raised by so many Members of Congress. / It would greatly streamline the process, reduce delays and duplication, and provide a much-needed infusion of simplification.

Statement submitted
for hearing record

STATEMENT BY SENATOR DANIEL K. INOUYE TO THE COMMITTEE ON RULES AND ADMINISTRATION REGARDING S. RES. 260

May 17, 1988

Mr. Chairman, distinguished members of the Committee:

Thank you for providing me with this opportunity to testify on behalf of S. Res. 260, the committee and budget reform resolution which Senator Kassebaum and I introduced last year. I welcome the opportunity to appear before you today and am delighted to join my distinguished colleague, Senator Kassebaum, in discussing our proposal.

The subject of reforming the Senate's committees and procedures is not new. During the last decade, we have heard from the Stevenson Committee, the Culver Commission, the Pearson-Ribicoff Study Group, and the Quayle Committee on possible changes in the Senate. The Majority Leader and Senator Stevens have proposed modifications of Senate Rules, and the debate has been enhanced with recent contributions by Senators Ford, Evans, Pryor, Danforth, and Helms. In the same vein, we offer S. Res. 260 as a suggestion, not a prescription for reform.

Our resolution is not a panacea that will end all debate on the subject. However, unlike other proposals, which focus on procedure, it goes to the heart of many of our problems: committee structure. Senator Kassebaum and I hope that S. Res. 260 will offer useful suggestions to the Rules Committee as it takes up the important issue of how to improve legislative efficiency and the quality of life in the Senate.

Most of the Senate's rules, and many of its current difficulties, stem from two basic precepts: (1) the right of individual Members to unlimited debate, and (2) the ability of Senators to offer amendments without regard for germaneness (see the CRS report, The State of the Senate: Conditions, Proposals, and Prospects for Change, by Stanley Bach, #88-136 GOV). The Senate traditionally has served as a forum for extended debate on national issues: it is a deliberative body whose primary function is to cool the passions of the day and protect the rights of individual members and their states. The rules of the Senate offer protection against the tyranny of the majority, whereas rules in the House of Representatives are designed to expedite governance by the majority. The procedures and traditions of the Senate thus put a great premium on informal social control. In the absence of formal, centralized leadership, the Senate's leaders have found ways to guide and influence individual Members and committees indirectly.

Unfortunately, we have recently seen a breakdown of the traditional mechanisms by which the Senate has run its operations for 200 years. I do not wish to imply that the democratic reforms which followed the Watergate era were unnecessary, but decentralization did have the effect of decreasing the Senate's efficiency. Over the past 20 years we have witnessed the use of Senate rules not to protect the rights of the minority, but to frustrate the will and agenda of the majority. In the past, bills were occasionally filibustered if they could not be defeated. Now, however, Senators frequently use the filibuster and other means to prevent the Senate from even considering a bill.

Similarly, when a Senator loses on an amendment that is important to his or her constituency, he/she will often bring it up again and again on a variety of vehicles until the Senate accommodates his or her concern. Whereas Senate rules were once used to protect individual rights and stop action on certain issues, they are now used in a prospective fashion to force action or require concessions on matters that the leadership would rather avoid (or issues which have already been decided).

Over the past 10 years, we have witnessed a significant breakdown in the ability of the Majority Leader to schedule, and for the Senate to pass, legislation vital to our nation. This breakdown has been especially true for authorization and appropriation bills. Some individual bills, such as appropriations for defense and foreign operations, or the authorization for the State Department, pass the Congress late in the session--if ever. We keep revisiting the same issues, but the budget never seems done. In the last two years, the budget process has fallen apart completely: Congress, with no help from the Administration, has been unable to meet its budget deadlines. In FY 1987 and 1988, we passed back-to-back omnibus continuing resolutions which rolled 13 separate appropriations measures and $600 billion into a single bill. Indeed, the budget-appropriations process has become so cumbersome and time-consuming that the Senate took up budget-related issues on 147 out of the 170 days it was in session last year. Rather than establish a budget, authorize the programs, and appropriate the necessary funds, we had to address budget issues--at least for a few minutes--almost every day that we were in session during 1987.

The legislative process in the Senate has bogged down even more because budget/appropriations bills are recognized as "must pieces" of legislation. They thus become vehicles for other ~~bills and amendments that Members are trying to move through~~ Congress. A recent study published by the Congressional Quarterly demonstrates that the number of budget-related roll call votes in the Senate increased from 43 percent in 1955 to 53 percent in 1980, 71 percent in 1981, 58 percent in 1982, 62 percent in 1983, 58 percent in 1984, 60 percent in 1985, and 51 percent in 1986 (Vital Statistics on Congress, 1987-1988, Table 7-10). I don't think any Senator who was elected (or reelected) in 1980 imagined that 51 to 71 percent of his or her voting record would be devoted to budget issues.

Aside from Senate Rules which protect the rights and power of individual Senators, we have a committee structure which exacerbates instead of streamlines the budget process. Every year, three chefs must agree on a single recipe: Budget, Appropriations, and Finance. Given the Senate's power structure, its emphasis on protecting the prerogatives of the individual, and some of its rules, the budget process is bogging down. Authorization and appropriation bills are lost in a morass of extended debate, uncertain fiscal policy, and conflicting priorities.

The time has come to change our committee structure and the way we handle our budget. We must also give our respective leaders the tools they need to run the Senate fairly and effectively, while protecting individual Senators from the tyranny of the majority.

Senator Kassebaum and I are suggesting that the time has come to restructure our committee system and adopt a two-year budget. Our goal is structural reform, not procedural reform: we hope that procedural efficiency will flow from proper institutional reforms in the Senate. Senator Kassebaum has discussed the main features of our resolution in detail, and I will not duplicate her efforts. By way of a summary, our resolution would:

(1) Merge the authorization and appropriations processes by abolishing the appropriations committee and combining its subcommittees with the current authorizing committees. These newly configured legislative committees would perform both the authorization and appropriations functions for programs under their jurisdiction.

(2) Abolish the budget committee and replace the current annual budget with a two-year budget cycle.

(3) Create a new leadership committee composed of the Chairmen and Ranking members of the various legislative committees. This oversight committee would perform the function currently played by the Budget Committee and would assist the leadership in identifying and promulgating national priorities in the Senate.

The key problem in my mind is not how to curtail the rights of the minority or how to strip power from individual Senators or committees: under S. Res. 260, most members will retain the influence they wield in their current committee assignments, and the staffs can be easily reconfigured to provide the necessary expertise and institutional support. Rather, our challenge is to empower the Senate leadership with the ability to identify national priorities and implement them in a timely fashion. S. Res. 260 will help the Senate craft a budget and give it the committee structure necessary to pass it early in the year. Members will then be free to focus on their other work, constituents, and families.

Mr. Chairman, thank you for your time and consideration. I will be pleased to answer any questions which members of this committee might have.

Statement submitted
for hearing record

STATEMENT OF SENATOR DAN QUAYLE
BEFORE THE
SENATE COMMITTEE ON RULES AND ADMINISTRATION
MAY 17, 1988

Mr. Chairman, you and I worked together in 1984 on the Temporary Select Committee to Study the Senate Committee System. As you will recall, that Committee, made up of 6 Republicans and 6 Democrats from every hue of the political spectrum, made unanimous recommendations for changes both in the Committee system and in the Senate rules. Unfortunately those unanimous recommendations were not acted upon--but now, four years later, there is again a prospect of action. I wish you success in proposing and enacting significant changes in the way the Senate operates. The recent survey by the Center for Responsive Politics proves clearly that a majority of the Senate wants action--not just talk.

It is, of course, easier to unite on the need for reform than it is to reach agreement on its content. Let me speak first to S. Res. 260 introduced by Mrs. Kassebaum and Mr. Inouye. This proposal is based on sound principles:

(1) it reduces the three-track budget authorization/ appropriation process to a two-track process by merging the authorization and appropriations functions,

(2) it vests the key function of establishing budget priorities in a leadership committee made up of chairmen and ranking members of the major committees, and

(3) it establishes sensible limits on the number of committee assignments held by any Senator.

While I have reservations on some of the details of the proposal (mainly related to the Finance Committee), my main concern is its enactability. Will it cause so much disruption in committee assignments that those who will fear a loss in their influence will prevail over those who see the need for reform? That is a matter of political judgment rather than a critique of the proposal.

If S. Res. 260 proves too indigestible for the Senate, let me suggest that the Chairman consider again the recommendations that he and I jointly made as Chairman and Cochairman of the Temporary Select Committee. For the Record, let me submit the summary of the Select Committee's recommendations (copy atached). By limiting the number of different committee and subcommittee assignments that a Senator could have, we anticipated that the committees would be more able to perform the function for which they are established. To quote from the Committee's Report:

> The Committee believes that the Senate committee system should serve as a legislative filter and refiner. Bills should be referred to the committee of appropriate jurisdiction so that the committee members, a group of experts in their area, may carefully analyze, critique and alter proposed legislation, then report it to their colleagues on the Senate floor after thorough consideration or not report at all, as they deem best. In this way not only would poorly-crafted or ill-considered legislation be filtered out and kept off the Senate Calendar, but a bill emerging from committee would be a refined product, technically sound, thoroughly understood by committee members and ready for consideration by the Senate. The committee report and minority and additional views would further crystallize the issues for floor consideration. [S. Prt. No. 254, 98th Cong., 2nd Ses., 4 (1984).]

All too often the Committees do not perform that function and issues are presented on the floor that have not been adequately considered in Committee. Let me just note a recent example. On February 17, the Labor and Human Resources Committee ordered reported S. 1265, the "The Minimum Health Benefits for All Workers Act." Half of the members voting to report the bill stated for the record that they had problems with the bill but they could be worked out on the floor. That is not what committtees are for.

The Select Committee also recommended a package of rules changes relating to floor procedures. It recommended a procedure for invoking a "germaneness" requirement and also a change in the cloture procedure to reinstate the 2/3rds vote requirement.

The rationale for all these changes is set out in the Committee's report and I will not take up your time with repeating the arguments.

In closing, let me just advocate one other change in procedure--a more efficient and equitable proposal for dealing with rescissions. Last year, I introduced S. Con. Res. 16, which would have ensured a Congressional vote on Presidential rescission requests. This is not a line-item veto because only a majority (rather than two-thirds) have to support the questioned appropriation. It seems to me that if a majority of the Congress and the President do not want to enact an appropriation, then it should not be enacted. All that the enhanced rescission proposal does is to ensure that a majority of each house of the Congress, when in agreement with the President, can have its way. That should not be controversial.

The need for reform in the way the Senate conducts its business has been evident for all too long. We have all complained and many of us have made proposals. Now is the time to produce a consensus and then to act.

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